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ABSTRACT

This collection of papers and case studies emphasize what citizens should know in order to plan for either court ordered or voluntary desegregation. Chapter one describes lessons about planning and community education from communities that have recently undergone desegregation. Chapters two and three outline the Constitutional basis for desegregation and the Federal court decisions that have shaped the process of desegregation over the past 22 years. Chapter three deals particularly with metropolitan court cases. Chapter four provides a brief summary of general techniques included in desegregation plans, and Chapter five reviews research on student outcomes and white flight. The final chapters are case studies on four cities that have desegregated their schools in the past few years (Boston, Massachusetts; Denver, Colorado; Detroit, Michigan; and Minneapolis, Minnesota). (Author/MK)

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CITIZEN GUIDE TO DESEGREGATION

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PREFACE

This collection of papers and case studies is intended for use by organizations and individuals who wish to understand issues surrounding desegregation of the public schools in the United States. The focus of these papers is not on whether schools ought to desegregate. The emphasis instead is on what citizens should know in order to plan for either court ordered or voluntary desegregation.

Chapter 1 describes lessons about planning and community education from communities that have undergone desegregation in the past five years. Chapters 2 and 3 outline the Constitutional basis for desegregation and the federal court decisions that have shaped the process of desegregation over the past 22 years. Chapter 3 deals particularly with court cases on metropolitan remedies. Chapter 4 provides a brief summary of general techniques included in desegregation plans. Chapter 5 reviews research on student outcomes and white flight.

The final chapters are case studies of four cities that have desegregated in the past few years. They were selected for particular reasons. The Boston story has appeared in fragmented form in newspaper headlines around the country. The case study pulls together those fragments and describes in some detail the educational components of the current Boston plan. Denver illustrates a city in which the judge and community leaders provided strong direction for peaceful implementation in the absence of unified leadership from school officials. Detroit outlines the particular problems of devising a plan within a majority black school system. Minneapolis provides a glimpse of strong voluntary desegregation plans given added impetus by a court order and resulting in innovative educational programs along with pupil reassignment.

The materials prepared by Professors Case, Levine, Rogus, ahd Shive were developed originally in Cleveland for the Study Group on Racial Isolation in the Public Schools under a grant from the Cleveland Foundation. The papers written by Dr. Tompkins were prepared in part for *The Bulletin*, a publication of the Ad-hoc Coordinating Council, which is a group of social agencies and civic organizations convened by the Greater Cleveland Interchurch Council. Editing assistance has been provided by David Parham, Esq., of the Cleveland Bar and Mariam Noland of the Cleveland Foundation staff.

CHAPTER 1

COMMUNITY EDUCATION AND PLANNING- THE LESSONS FROM OTHER CITIES

by Rachel B. Tompkins

Desegregation of the public schools presents many communities with extremely difficult problems. Many school districts in the U.S. have coped with those difficulties with foresight, imagination, and considerable sensitivity to community concerns. Other communities, widely divided by the controversy, have faced the complex process of implementation with little organization and preparation. There are valuable lessons from both kinds of cities – lessons to guide those school districts which will be required to desegregate in the next decade.

The U.S. Commission on Civil Rights has studied the implementation of desegregation plans in 20 communities which are located throughout the country and cover a range of sizes and local situations. Some are cities like Boston and Pontiac, Michigan, in which there were major problems. Fifteen communities were studied only during the first year of implementation while five were visited again in the second year.

One of the major lessons from the 20 cities is that many strongly expressed fears were not realized in practice. The findings of the Commission are:

> Desegregation does not result in poorer quality education. In fact, many communities have designed new educational programs and undertaken special training for faculty and staff that have decidedly improved the quality of programs.
>
> The technical problems of implementing plans have not been as formidable as imagined. Reassigning pupils, establishing transportation routes and schedules, and assuring safety have all been accomplished.
>
> Bus trips were not very long and generally averaged less than 30 minutes.
>
> Violent acts have occurred, but they have been isolated. Four schools in Boston had problems in 1974, but 76 integrated smoothly. Pontiac had disruptions in the first year but was remarkably calm in the second.

Some problems were identified that had not been anticipated:

> In service training for teachers and principals was frequently inadequate.
>
> Student discipline policies and fair application of these policies became serious issues in many schools.
>
> Resegregation occurred within some schools through various types of ability grouping.

The general lessons from these case studies were stated clearly in the Commission's most recent report on Boston.

Successful desegregation requires that local school boards take affirmative steps to marshal and coordinate all available resources within and outside of the school system to deal with each of the following:

a. Systemwide review. Planning to meet the substantive and administrative needs of a desegregating school system requires a current assessment of those needs.

b. Involvement of all parties. Successful school desegregation can be achieved only with substantial efforts to make it work on the part of all the participants in the process – the school board, the superintendent, school personnel, the news media, civic leaders (including religious leaders), parents, and students.

c. Dissemination of information. The community should be kept fully informed at every step in the school desegregation process on such matters as: what the plan entails, how each party is affected, and how each party can participate in the process.

d. Affirmative leadership. A vital element in successful school desegregation is the support of leaders from all segments of the community; political, governmental, religious, civic, economic, educational among others.

e. Communication among all parties. All parties having any role in the process should keep one another regularly informed of what steps are being taken to implement the school desegregation program.

f. Coordination among all parties. All parties having any role in the desegregation process should coordinate their efforts to ensure the most efficient use of personnel and resources.

g. Training. Desegregation training of two types is required: one to provide the technical and professional skills needed to design, establish, and operate a desegregated school system; the other to provide human relations skills, such as conflict management or cultural understanding.

h. Student attendance. Steps should be taken to enforce mandatory school attendance laws and to ensure that students do not leave a school system voluntarily.

i. Student discipline. Where discipline needs to be exerted to preserve order so that learning

can occur, it must be administered in a racially neutral manner; where students are removed from school for disciplinary reasons, the school system should provide alternative possibilities for their education.

j. Funding. Implementation of desegregation will often require additional expenditures by the school system.

These general principles do not provide a prescription for each city. No formulas are available. Each community is unique and must devise a process based on its demography, traditions, and patterns of leadership. In Boston, long standing divisions and a lack of leadership from the school board and other elected officials created a climate in which some citizens believed that unlawful actions were acceptable. Business and labor leaders generally avoided lending support to peaceful implementation in 1974 either because they opposed the order or because they thought it was not their problem. In 1975, political, business, and labor leaders joined religious and social agencies in supporting and assisting with peaceful implementation because they realized the damage wrought by violence and fear.

Boston and other cities show clearly the contributions that can be made by many different groups:

The Mayor and Police Commissioner can organize and communicate safety plans to the community. They can train and deploy personnel to sensitively cope with community concerns.

School officials can involve citizens, parents, and students in the development and implementation of the plan. They can focus before a court decision on such things as staff training and data collection.

The Chamber of Commerce and other business leaders can join with school officials to develop new educational programs necessary in a desegregated setting.

Labor organizations can explain clearly to their membership what the law is and can join school and business leaders on the councils that develop and implement a desegregation plan.

The media can report all events clearly and without sensation. Reporters can check and recheck stories with credible sources.

Churches can inform their membership about the law and its implementation. They can continually remind the community of the teachings of all religions about neighborliness, tolerance, and reconciliation.

Social agencies can inform their staff and their clients about the law, the plans, and ways to participate.

All groups can provide volunteers for centers that dispense information and control rumors.

Many constructive things can be done before a court order without prejudging the outcome. For example, the special training of teachers and principals in dealing with multi-ethnic situations seems called for in any event. The same principle applies to the training of policemen. Education of broad groups of citizens is useful because programs can explain the law and events in other cities to many people and help reduce the fears that come from ignorance. Neighborhoods that are likely to have problems can be identified and social and civic agencies can assess their abilities to inform citizens and deal with possible conflict. School boards can also alleviate some fears by being receptive to citizen concerns. If they make clear that the process of plan development (if necessary) will include participation of many people, they will help counter the idea that desegregation removes all parental choice.

Judges do not write desegregation plans. They order some people — school boards, state departments of education, or outside experts — to prepare plans. Furthermore, anyone can submit a plan for consideration. Judges then review the plans to see if they meet constitutional requirements to eliminate segregated schools. Communities have some choices about what is included in those plans and the process by which they are devised and implemented.

Civic leadership is required if those choices are to be exercised. In those cities where leadership was devoted to last ditch efforts to avoid desegregation, implementation was disorderly. In no case have last ditch efforts averted desegregation.

The law requires desegregation of schools in the North and the South; in big cities and small towns; in majority black school systems and majority white school systems. The mandate will not go away because desegregation is hard to accomplish or because some people do not like it. Affirmative community leadership provides a climate in which the law can be obeyed and peaceful desegregation can occur.

CHAPTER 2

THE CONSTITUTION AND SCHOOL DESEGREGATION

by Charles W. Case

The foundation for most school desegregation cases is the first section of the Fourteenth Amendment of the United States Constitution which includes the Equal Protection Clause. The amendment declares in part that:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person in its jurisdiction the equal protection of the laws.

Congress has the power to pass laws appropriate to implementing this provision; however, the federal courts have been the primary place where the guarantees of the Fourteenth Amendment have been enforced.

The primary issue in the first school desegregation suit was whether the Fourteenth Amendment permitted a state, or any of its subdivisions such as school districts, to operate one school system for whites and a separate one for blacks. The major legal obstacle facing those who first challenged statutorily mandated school segregation was an 1896 decision of the United States Supreme Court, *Plessy v. Ferguson*. In that case, the Court had upheld the constitutional validity of a Louisiana statute requiring "equal but separate accommodations" for white and black railway passengers.

Four cases on desegregation in elementary and secondary education from Kansas, Delaware, Virginia and South Carolina arrived at the Supreme Court in 1953 and were combined for hearing under the title of the Topeka, Kansas case, *Brown v. Board of Education*. In 1954, in *Brown I*, the Supreme Court ruled on the issue of segregation. In 1955, in *Brown II*, the Court reconvened to hear further argument on the question of relief or remedy due to varying local conditions.

The Court, in *Brown I*, essentially overruled the *Plessy* decision and held that state laws which segregated students by race deprived them of the equal protection of the laws guaranteed by the Fourteenth Amendment. The Court expressly recognized the inherent inequality of all segregation and it noted that when segregation had the sanction of law, its effects were even greater. The justices in a unanimous opinion concluded that "separate educational facilities are inherently unequal." The decision required the legally sanctioned dual school systems in the South to be converted to unitary or single, desegregated systems.

This case relied heavily on social and psychological data in a brief provided by 32 psychologists, sociologists, and anthropologists led by Dr. Kenneth Clark. The brief focused on the influence of environmental circumstances upon child growth and development and argued that racial segregation of pupils, regardless of whether or not tangible facilities were equal, provided a psychological handicap to the child's opportunity to learn. The brief further contended that segregation leads to a lack of communication and interaction, thereby increasing mutual suspicion, distrust, and hostility, perpetuating rigid stereotypes and reinforcing negative attitudes among all people. Racial isolation has a negative influence on both black and white children, the brief contended. Based in part upon this brief, the Court stressed that separating individuals by race generated a feeling of inferiority in black children that may "affect their hearts and minds in a way unlikely ever to be undone."

Brown II explained how courts and school systems were to go about creating the unitary system. The Supreme Court said that school authorities would have the primary responsibility for transforming dual systems to unitary ones. The court that originally heard the case (the appropriate federal district court) was to determine whether the actions of school authorities constituted a good faith implementation of the governing constitutional principles. District Courts perform this function because of their proximity to local conditions and the possible need for further hearings. Schools were ordered to proceed with dismantling the dual school systems with "all deliberate speed." Some delay was permissible in completing the desegregation process, if a school board could establish that the time was in the public interest. As subsequent litigation arose, the issue of how rapidly implementation should proceed became the major issue.

At that time (1954) there was a clearly perceived distinction between **de jure** segregation and **de facto** segregation. **De jure** segregation was regarded as the racial segregation of students pursuant to the requirements of a state statute. **De facto** segregation was the racial separation that arose in the absence of state law and mainly through residential choice. At the time of *Brown I* and *Brown II* the dual school systems in the South were thought to exemplify **de jure** segregation while **de facto** segregation was seen resulting from the "natural" processes of residential selection patterns that occurred in the North. Later litigation expanded the definition of **de jure** segregation to include segregation resulting from intentional actions of State officials.

Because the United States Constitution does not specifically address education, the states have primary responsibility in that area. Ohio and other states delegate actual school operating responsibility to local areas, yet still impose on state-level officials numerous statutory duties with respect to education in general. For this reason desegregation lawsuits frequently name both local and state officials as defendants.

Post-Brown Cases

The litigation during the next fourteen years, 1955-1969, focused primarily on the lack of speed with

which Southern school districts transformed from dual school systems to unitary school systems. Some of the key Supreme Court decisions were:

Cooper v. Aaron (Little Rock, Arkansas, 1958), ruled that unequivocal resistance under the name of "all deliberate speed" would be firmly condemned. Federal troops were used to assist in the desegregation process.

Griffin v. County Board of Prince Edward County, Va., (1964), held that it was unconstitutional for a state to provide funds to segregated private schools when its public schools had been closed to avoid desegregation. For a state to do so, said the Court, was to make it a partner in the discrimination practiced by the private schools.

In *Green v. County School Board of New Kent County* Virginia, (1968), the Court examined the so-called "freedom-of-choice" plan, (a plan proposed by many Southern school districts in response to court ordered desegregation.) New Kent County was rural with no residential segregation. It had only two K-12 schools; each served the entire county and enrollment in one was white and in the other was black. Buses traveled overlapping routes to the two schools. The district had implemented a freedom-of-choice plan in which students in grades 1 thru 8 chose the school they would attend. After three years, 85% of the black students were still in the black school.

Mr. Justice Brennan, in delivering the opinion of the court, stated:

> "The question for decision is whether, under all the circumstances here, respondent School Board's adoption of a 'freedom-of-choice' plan, which allows a pupil to choose his own public school, constitutes adequate compliance with the Board's responsibility to achieve a system of determining admission to the public schools on a nonracial basis . . . *(Brown II)*."

Pointing out that the Constitution required an effective desegregation plan, he noted:

> "Freedom of choice is not a sacred talisman; it is only a means to a constitutionally required end – the abolition of the system of segregation and its effects. If the means prove effective, it is acceptable, but if it fails to undo segregation, other means must be used to achieve this end. The school officials have the continuing duty to take whatever action may be necessary to create a 'unitary, nonracial system'."
>
> • • • • •
>
> "Where it offers real promise of aiding a desegregation program to effectuate conversion of a state-imposed dual system to a unitary, nonracial system, there might be no objection to allowing such a device to prove itself in operation. On the other hand, if there are reasonably available other ways, such as, for illustration, zoning, promising speedier and more effective conversions to a unitary, nonracial school system, 'freedom-of-choice' must be held unacceptable."

The Court concluded in *Green* that it was the school board's duty to "come forward with a plan that promises realistically to work, and promises realistically to work now." "Freedom-of-choice" did not do that. The Court further emphasized that the burden of responsibility for desegregation should not depend solely on the choices of parents and the children.

In 1969, in *Alexander v. Holmes County Board of Education*, the Supreme Court formally ended the *Brown II* doctrine of desegregating with "all deliberate speed" by holding that delays in the desegregation process were "no longer constitutionally permissable".

Civil Rights Act of 1964

Up until 1964, all desegregation suits were instituted by private individuals. The Civil Rights Act of 1964 established administrative procedures for the federal government to review segregation in school systems with the possibility that federal funds might be cut off to any school system not found to be in compliance with the law. Thus, the onus became, at this point, no longer just on private individuals, but also on the federal government to hold school districts accountable for desegregation.

Title IV of the Civil Rights Act provides for technical assistance to school boards for implementation of desegregation programs. That assistance could be help in the preparation, adoption and implementation of plans for desegregation, or it could be in the form of training grants for educational personnel. Title VI of the Act specifies the sequence of administrative enforcement proceedings.

School districts are required to file reports with the Office of Civil Rights (HEW) indicating the racial and ethnic composition of each school (both pupils and staff) and of the central administration. Compliance procedures begin with a federal review of those districts whose reports indicate substantial segregation or about which complaints of discrimination have been filed. If deficiencies are found, letters of probable noncompliance which define the deficiencies are sent to the districts involved. Negotiations are subsequently initiated with each district to secure correction of the deficiencies and development of a desegregation plan.

There are no time schedules for negotiations or for follow-up reviews. If satisfactory results are not obtained through negotiations, enforcement action may be taken either through administrative enforcement proceedings or referral to the Justice Department for litigation. The administrative enforcement proceedings include a hearing, a decision by an administrative judge, and an appeal process. If noncompliance is found, federal funding may be terminated.

An additional section of Title VI permits suits by the United States Attorney General upon receipt of complaints from parents that their children are being deprived by a school board of the equal protection of the laws. Different administrations in the federal government have responded differently to these mandates. Some have preferred to have plaintiffs use the regular judicial process rather than the administrative enforcement proceedings, and, therefore, have tended to delay the proceedings.

The United States Commission on Civil Rights notes, "between May 1969 and February 1971, the files of 60 school districts were transferred by HEW to the Justice Department for legal action, yet between February 1971 and June 1973, no files were transferred." HEW data on Northern and Western desegregation shows only 84 compliance reviews between 1965 and 1973 in a total of about 5,000 school districts. From a peak of 23 reviews in 1968, there was a steady decline to no reviews in 1973. Compliance reviews were still open in 52 districts in 1973. Once again the onus is on private individuals to take legal action to encourage desegregation.

The Department of Health, Education, and Welfare is being sued by a group of civil rights lawyers who charge that HEW has "renounced and abandoned" its school desegregation responsibilities outside of the South. They contend HEW is guilty of "unconscionable delays" in investigations begun years ago and still pending in several Northern and Western cities.

Neighborhood Schools – Transportation

While the Civil Rights Act of 1964 provided additional pressure for school desegregation, lawsuits continued primarily in the South. The next major case with legal significance addressed the question of whether remedies in desegregation suits could be limited to the neighborhood school.

In *Swann v. Charlotte-Mecklenburg Board of Education* (North Carolina, 1971), the Supreme Court made more clear the appropriate criteria for choosing a desegregation plan. This consolidated city-county school district in *Swann* consisted of 550 square miles, 85,000 pupils and 100 schools. The school population was 71% white and 29% black; 21,000 of 25,000 blacks lived in the city, and 1,000 of the black students were in 21 schools that were 99% black. This situation came about under a desegregation plan approved by the district court in 1965. All parties agreed that that plan had failed, so in 1969 the district court ordered a new plan developed.

Two plans were submitted to the trial court in 1970. The school board plan recommended desegregating all but one high school, about half of the junior high schools, and very few of the elementary schools. The court rejected that plan and accepted one presented by a court-appointed expert, which desegregated all schools. No school would have a majority of blacks; each school and each grade level would have between 9-30% black students. No student transfer would be allowed which would have the effect of increasing the imbalance in either of the affected schools. Junior high satellite zones which fed into each junior high school but were not contiguous with the main attendance area surrounding the school were implemented. Elementary schools utilized combinations of rezoning and pairing. Transportation was to be provided for all students traveling more than one and one-half miles.

In reviewing the remedy ordered in *Swann*, Chief Justice Burger delivered the unanimous opinion of the Supreme Court clarifying the authority of the district courts to fashion remedies: "If school authorities fail in their affirmative obligations . . . judicial authority may be invoked. Once a right and a violation have been shown, the scope of a District Court's equitable powers to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies."

The Court noted:

> "The construction of new schools and the closing of old ones are two of the most important functions of local school authorities and also two of the most complex . . . Over the long run, the consequences of the choices will be far reaching. People gravitate toward school facilities, just as schools are located in response to the needs of people. The location of schools may thus influence the patterns of residential development of a metropolitan area and have an important impact on the composition of inner-city neighborhoods."

The Court in *Swann* reaffirmed its view stated in the *Green* decision that each school board has an affirmative duty to desegregate the schools where official action or intentional inaction contributed to the segregation. The school board in Charlotte had argued that it had simply assigned students to neighborhood schools on a color-blind basis and that to do anything else would be too inconvenient and complicated. The Court stated that local authorities had a responsibility to see that school construction and abandonment "are not used and do not serve to perpetuate or re-establish the dual system."

The Court said:

> "All things being equal, with no history of discrimination, it might well be desirable to assign pupils to schools nearest their homes. But all things are not equal in a system that has been deliberately constructed and maintained to enforce racial segregation. The remedy for such segregation may be administratively awkward, inconvenient, and even bizarre in some situations and may impose burdens on some; but all awkwardness and inconvenience cannot be avoided in the interim period when remedial adjustments are being made. . ."

In *Swann*, the Court validated the use of racial factors and mathematical ratios in student and teacher assignments as being within the discretion of the district court in exercising its remedial powers:

> "[T]he use made of mathematical ratios was no more than a starting point in the process of shaping a remedy, rather than an inflexible requirement . . . Awareness of the racial composition of the whole school system is likely to be a useful starting point in shaping a remedy to correct past constitutional violations."

The *Swann*, decision further held that:

> "In these circumstances, we find no basis for holding that the local school authorities may not be required to employ bus transportation as one tool of school desegregation. Desegregation plans cannot be limited to the walk-in school."

In the desegregation plan in Charlotte, bus trips for elementary school pupils averaged about seven miles and would not take over 35 minutes. Cost of busing was not considered a legitimate reason to prevent it.

The Northern Cases

The first Supreme Court case for a northern school district was *Keyes v. School District No. 1, Denver, Colorado* (1973). No Colorado law had ever mandated segregation. However, the Supreme Court upheld the lower court's finding that the schools in the northeast part of Denver were unconstitutionally segregated as a result of state and local policy decisions and actions. The black population of Denver went from 8,000 in 1940 to 45,000 in 1966, but all in a narrow corridor. The schools in question were in and adjacent to that corridor.

Among the school board's actions which were held to have improperly created the segregated condition were: (1) the selection and adjustment of school attendance boundaries; (2) the selection of new building sites with the purpose to create and maintain segregation; (3) the use of mobile classrooms to keep schools black or white; and (4) the design of feeder patterns to secondary schools.

In a school system like Denver's, where a statutory dual system had never existed, plaintiffs were required to prove not only that segregated schooling existed, but also that it was brought about or maintained by intentional state action. Plaintiffs proved to the Court that for almost a decade after 1960, the defendant school board had engaged in an unconstitutional policy of deliberate racial segregation – an undeviating purpose to isolate black students in segregated schools. The Supreme Court held that this constituted sufficient state action so that the result was **de jure** segregation. It was now clear that a northern school system could be found to have **de jure** segregation even though there had never been a state statute permitting or requiring segregated schools. In *Keyes*, the Court did not find **de facto** segregation unconstitutional; it found that what had been considered **de facto** was really **de jure.**

The Court in *Keyes* also held that plaintiffs in school desegregation cases should not bear the burden of proving the elements of **de jure** segregation in each and every school within the school system. The Court said that plaintiffs must first prove that a current condition of segregated schooling exists within a school district. Then they must show that school authorities have committed segregative acts affecting a substantial portion of the students, schools, teachers and facilities. This establishes a **prima facie** case of unlawful segregation, and shifts to the school authorities the burden of proving that other segregated schools within the system are not also the result of intentionally segregative actions. In Denver, the plaintiffs demonstrated that about 38 percent of the schools were segregated by intentional actions of school officials. All other schools in the system that were segregated were assumed to be so because of official action unless the school board proved otherwise. If it could not, the Supreme Court held that systemwide desegregation would be the appropriate remedy.

The Court also noted in *Keyes* that remoteness in time is of no relevance to the issue of intent, but that "if respondent School Board cannot disprove segregative intent, it can rebut the **prima facie** case only by showing that its past segregative acts did not create or contribute to the current segregated condition of the core city schools." Finally, the *Keyes* decision specifically included Spanish-speaking citizens as a minority group to be protected.

Metropolitan Remedies

After the *Keyes* decision, other suits filed in the North and West began to move forward. The next major question addressed by the Supreme Court was whether desegregation plans in metropolitan areas could include both the city and its surrounding suburbs. The Detroit decision *Bradley v. Milliken* provided a partial answer.

The district court found that both the State of Michigan and the Detroit School Board, had violated the principles enunciated in the *Brown I* decision by "confining black children to an expanding core of state-imposed black schools" within the boundary of the Detroit City School District. District Court Judge Roth concluded that the predominately black school population of Detroit made it impossible to meaningfully desegregate Detroit city schools alone. Therefore, he designated 53 suburban school districts and the City of Detroit as the "desegregation area". The United States Court of Appeals for the Sixth Circuit affirmed Judge Roth's ruling in part, stating that a metropolitan remedy was both within the equity powers of the federal court and essential to remedy the **de jure** segregation in Detroit. The appeals court ruled, however, that before imposing a metropolitan remedy, suburban districts had to have a hearing.

In reviewing the decision, the United States Supreme Court upheld the findings of **de jure** segregation in Detroit, but rejected the proposed metropolitan remedy by a 5-4 vote. The Court ruled that the metropolitan remedy was beyond the remedial powers of the federal courts in this case because the plaintiffs had not established a metropolitan wrong. "[A]bsent an interdistrict violation," said the Court, "there is no basis for an interdistrict remedy." Mentioning that the proposed metropolitan remedy had been based solely on the desire of the lower court judges to achieve a specific racial balance in the Detroit schools to match that of the general metropolitan area, the Court held that the lower courts had erred in their belief that a majority-black school system could not be constitutionally desegregated within its own boundaries. Mr. Justice Marshall, in dissent, challenged this, contending that the basis for the lower court decisions in this case was not some perceived racial imbalance but the "purposeful, intentional, massive, **de jure** segregation of the Detroit city schools . . ."

Perhaps the major factor influencing the Court's decision in the Detroit case was the fact that the suburban school districts included in the lower court's plan were never made parties to the suit and were never given the opportunity to be heard. The Court stated that school districts in Michigan are autonomous political entities, and, thus, unconstitutional segregative actions with an interdistrict effect must be demonstrated in each school district included in the interdistrict remedy. Alternatively, said the Court, gerrymandering of district boundary lines could warrant an interdistrict remedy, but there had been no evidence presented to the courts below supporting either approach.

The dissenting justices argued that school districts were not sovereign entities but merely agencies of state government, subject to the state's absolute power. Therefore, they reasoned, since the state of Michigan was guilty of unconstitutional actions, any school districts of the state's creation could be involved in the remedy.

The Supreme Court remanded the case to the district court in Detroit for further hearings on a remedy. Detroit began implementation of a city-only plan in January, 1976

At about the same time the Supreme Court was rendering its decision on Detroit, it received an appeal in the Louisville, Kentucky case. The Sixth Circuit Court of Appeals had approved a metropolitan desegregation plan involving both the Jefferson County School System and the City School District of Louisville. In many southern and border states the county school districts include all parts of the county except for the major city within the county. The Supreme Court sent the appeal back to the Sixth Circuit and asked it to reconsider the Louisville case in light of the Detroit decision.

In re-examining its Louisville decision, the Sixth Circuit concluded that the problem in Detroit had been that the remedy "was broader than the constitutional violation", but that in the case of Louisville (with a pupil population of fifty percent black) and Jefferson County (with a pupil population of four percent black), "the situation presented is that of two districts in the same county of the state being equally guilty in failing to eliminate all vestiges of segregation . . ." Accordingly, the Sixth Circuit concluded that the district court's order could include an interdistrict remedy. Federal courts have also upheld metropolitan desegregation plans in other cases where a city within a county had been excluded from a county-wide school system.

Conclusion

This history shows that the Federal Courts at all levels have consistently and clearly declared over and over again that school segregation imposed by the state – whether by law or official policy is unconstitutional. Once constitutional violations are found, the Supreme Court has consistently given lower courts authority to fashion flexible but far reaching remedies that eliminate all vestiges of segregation. The major unresolved legal question concerns a more precise definition of the standards required before metropolitan remedies are appropriate.

CHAPTER 3

RECENT COURT CASES BEARING ON REGIONAL SCHOOL INTEGRATION

by Daniel U. Levine

Even though the Supreme Court's *Bradley v. Milliken* decision dealing with the Detroit Metropolitan Area has somewhat limited the possibilities for achieving inter-district remedies for segregation which exists in big city school districts, such possibilities were not entirely excluded. The Court ruled that:

> The controlling principle consistently expounded in our holdings is that the scope of the remedy is determined by the nature and extent of the constitutional violation ... Before the boundaries of separate and autonomous school districts may be set aside by consolidating the separate units for remedial purposes or by imposing a cross-district remedy, it must first be shown that there has been a constitutional violation within one district that produces a significant segregative effect in another district.
>
> Specifically, it must be shown that racially discriminatory acts of the state or local school districts, or of a single school district have been a substantial cause of inter-district segregation. Thus an inter-district remedy might be in order where the racially discriminatory acts of one or more school districts caused racial segregation in an adjacent district, or where district lines have been deliberately drawn on the basis of race ... Since the mere fact of different racial compositions in contiguous districts does not in itself imply or constitute a violation of the Equal Protection Clause in the absence of a showing that such disparity was imposed, fostered, or encouraged by the State or its political subdivisions, it follows that no inter-district violation was shown in this case.

As has been made clear in Louisville, inter-district remedies are still possible provided that the standards set forth in *Milliken* are met in individual cases. Because these standards were not stated with any degree of specificity, it is difficult to determine how they will be developed in the future, and one must study current cases to see how they are being interpreted in practice. The purpose of this chapter is to examine several of the most important of these cases. In most instances, these cases touch on important issues not directly related to interdistrict remedy, and these aspects of the decisions also will be briefly described.

Louisville

On July 30, 1975, the United States District Court, Western District of Kentucky released its final ruling in the case of *Newburg Area Council, Inc., v. Board of Education of Jefferson County.* This judgment ordered implementation of a merger of the Louisville Public Schools and the surrounding Jefferson County Schools,* and incorporated an integration plan with the following characteristics:

1. All elementary schools in the Jefferson County School System will have a black population of no less than 12% and no more than 70%.
2. All secondary schools within the Jefferson County system will have a black student population of no less than 12½% and no more than 35%.
3. The method of selecting students to be transported for the purpose of this desegregation plan insures that every student, within racial categories, participates as equally as possible. The only exception to this rule occurs when a student attends a school that this Court has determined is already at this time sufficiently desegregated within the guidelines set out above so that transportation is not required. As set out hereinafter, if any individual school ratio or population changes in a material fashion, appropriate steps will be taken to include that individual school and its students in the general transportation plan. The student selection method chosen reduces to the minimum the number of students required to be transported to implement this plan and the minimum cost factor commensurate therewith.

The Louisville judgment is of special interest because the integration plan it ordered into effect included many aspects of implementation such as student assignments; schools to be closed; procedures relating to hardship; method of transportation; assignment of school employees; human relations programs; transportation schedules; and procedures for monitoring, reporting, and enforcement. All these aspects were spelled out in considerable detail in the plan.

* *A critical element of the decision requiring an inter-district remedy in accordance with Milliken standards was the fact that black students in the Jefferson County schools were required to attend schools in Louisville before 1954. The courts reasoned that students could be transported out of Louisville just as logically as they had been transported into the city. The Sixth Circuit Court of Appeals had approved the merger and required integration on this basis and also had stressed the facts that unlike Detroit, the school district boundary lines did not coincide with political boundaries and that the suburban districts had received sufficient opportunity for a hearing opposing the remedy.*

Indianapolis

A ruling in 1974, based on three earlier cases and now on appeal to the Supreme Court, may bring about an interdistrict remedy involving the Indianapolis Public Schools (IPS) and ten surrounding school districts. The key case in this series was *United States v. Board of School Commissioners of the City of Indianapolis, Indiana* in which the U.S. District Court, Southern District of Indiana delivered a corrected opinion on November 12, 1973, and a supplemental ruling on December 6, 1973. Key elements in this opinion, which ordered an interdistrict remedy with nineteen suburban school districts, included the following:

1. The Indiana legislature may consolidate schools by resolution without notice to the voters or without any referendum or election.
2. The failure of the Indiana state superintendent and board of education to act affirmatively in support of the law forbidding racial segregation in educational opportunity was an omission tending to inhibit desegregation.
3. Inasmuch as achievement of effective desegregation of the Indianapolis Public Schools could not be achieved by an 'Indianapolis only plan' because of white flight and the prediction that schools would have a black majority within a matter of two or three years, the State had a duty to devise a metropolitan plan which might be to direct the reorganization of Indianapolis schools with other school corporations or to direct transfer or exchange of Indianapolis pupils to other school corporations.
4. Busing of pupils in grades one through eight would be appropriate to achieve school desegregation, with transferred elementary pupils remaining in the same transferee district for education through high school but busing of kindergarten pupils and special education pupils would not be required.
5. If the State is found to be at fault, consideration should be given to state contributions to districts transferring students.

The 1973 opinion of the District Court for the South District of Indiana is worth special attention because of its language dealing with racial balance and related problems in big city schools. The court found

> . . .it to be a fact that when the percentage of Negro pupils in a given school approaches 25% or 30%, more or less, in the area served by the IPS, the white exodus from such a school district becomes accelerated and continues . . . All witnesses agreed that once a school becomes identifiably black, it never reverses to white, in the absence of redistricting. Therefore, progressions from white to black are irreversible once the critical percentage has been reached in the absence of intervention through redistricting . . .
>
> . . .The Court further finds that, given the present percentage of Negro pupils in the IPS system, which has risen to 41.1% since the previous trial, and the further fact that black enrollments in IPS will in the near future surpass white enrollments therein . . . the right of plaintiffs and their class to attend schools which are not racially identifiable . . . cannot be accomplished within the present boundaries of IPS in a way that will work for any significant length of time.

Similarly, the Court's discussion of factors of importance in a "metropolitan plan" may be of special interest:

> . . .the area should be reasonably compact in size in relation to its center, should not be separated by massive natural obstacles, and otherwise should be adaptable to the reasonably speedy transportation of school children. Also, it would seem only reasonable to examine whether or not the area to be considered has significant common interests with the area hub . . .
>
> . . .the employment situation is . . . that, with the exception of the City of Greenfield, more than half (in most cases more than 60%) of the residents of each [suburban] unit are employed in Marion County — as a practical matter in IPS, or within a few city blocks thereof . . . Virtually, all points of interest for cultural, sports, and higher educational activities are located within IPS . . . Just as the working parents of the suburbs drive back and forth to work each day, so are most suburban children bused to and from school.

The 1974 ruling was rendered on August 21, 1974 by the Seventh Circuit Court of Appeals. In essence, the Seventh Circuit reversed the District Court with respect to inclusion of nine suburban school districts adjacent to Marion County outside Uni-Gov boundaries (delineating the city and suburban municipalities which were merged in the 1960's) but retained ten suburban districts within Uni-Gov as part of an interdistrict remedy. This decision is now on appeal to the Supreme Court. The Circuit Court approved the District Court's decision requiring transportation of black students from the Indianapolis Public Schools to the suburban districts (which are to retain their separate identities), with the state to pay a substantial proportion of the costs. A plan to carry out this decision presumably is now being prepared.

Wilmington

A decision ordering merger of the Wilmington Public Schools with surrounding school districts was issued on March 27, 1975, by the United States District Court for Delaware in the case of *Evans v. Buchanan* As in Louisville, the case hinged in part on the fact that black students had been required to cross district lines before 1954 to attend schools in the city In addition, the Court ruled that a legislative act to encourage school district organization in Delaware which had explicitly excluded the Wilmington schools provided evidence of discriminatory state action. The Court concluded that

> . . .the record in this case makes it necessary to consider interdistrict school desegregation remedies. Accordingly, the parties will be required to submit alternative Wilmington only and inter-district plans to eliminate existing school segregation in New Castle County . . . this court, in light of the *Milliken* holding, is authorized to consider desegregation relief

embracing more than the Wilmington district only upon findings either that school districts in New Castle County are not meaningfully separate and autonomous, or that there have been racially discriminatory acts of the state or of local school districts causing inter-district segregation ... [we] conclude that governmental authorities are responsible to a significant degree for the increasing disparity in residential and school populations between Wilmington and its suburbs in the past two decades. This conduct constitutes segregative action with inter-district effects under *Milliken* ...

The proposed *Milliken* remedy would have involved three counties and fifty-four school districts; any remedy here would be confined to New Castle County and, at most, twelve school districts. There were 779,000 students in the Detroit 'desegregation area,' but there are only 87,696 in all of New Castle County ... The mechanics of an interdistrict remedy here would pose few administrative problems of first impression ...

In conclusion, the District Court ordered the parties in the case to submit alternative plans to remedy the segregation a) within the present boundaries of the Wilmington School District and b) incorporating other areas of New Castle County. The Supreme Court upheld the decision of the lower court by a 5-3 vote without opinion. Plans are currently being developed in accord with the lower court ruling.

The Wilmington decision is of special interest because of the District Court's analysis and emphasis on housing discrimination as a cause of segregation in city and suburban schools. In a statement covering several pages, the Court cited a number of ways in which segregated housing and hence segregated schools had been abetted by governmental action and hence constituted segregatory action on the part of government officials. The central argument in this part of the decision was expressed as follows:

The growth of identifiably black schools mirrored population shifts in New Castle County. To a significant extent these demographic changes ... resulted not exclusively from individual residential choice and economics, but also from assistance, encouragement, and authorization by governmental policies. Here, as elsewhere, the 1936 Federal Housing Administration mortgage underwriting manual, which continued in use until 1949, advocated racially and economically homogeneous neighborhoods. Prior to passage of federal and state open housing legislation in 1968 ... racial discrimination in the sale or rental of private housing in New Castle County was widespread, was tolerated or encouraged by the real estate industry, and was sanctioned by state officials.

Conclusion

Interdistrict remedies for big city school segregation are less likely since the Supreme Court decision in *Bradley v. Milliken* but have not been ruled out entirely. Big cities in Southern and border states which had legally mandated dual school systems have a solid precedent based on Louisville in asking for interdistrict remedies to overcome segregation which was established in part through assigning black students to schools across the boundaries of white school districts. Beyond this precedent, possibilities for interdistrict remedy will depend on how much and what type of evidence is offered to implicate state and suburban officials in segregatory action, and how the courts interpret this evidence in the light of *Milliken*.

In adjudicating cases dealing with regional integration, the courts have dealt with other issues of importance to big city school districts throughout the country. In Indianapolis, the courts have stressed the importance of maintaining a stable racial balance and of the close relationships which exist between city and suburbs in the metropolitan area. The District Court in Wilmington has placed great stress on governmental action aiding and abetting segregated housing. Recent opinions issued in these cases may be widely cited in suits elsewhere and may be further clarified as appeals proceed in Indianapolis, and other big cities.

CHAPTER 4

TECHNIQUES OF DESEGREGATION

by Rachel B. Tompkins

The development of desegregation plans is now in its third generation. In the first generation, courts approved plans that only mixed students. They avoided involvement in organizational or educational matters. It soon became clear, however, that there were many possible patterns of mixing students all of which were legally acceptable but some of which were more acceptable to citizens than others. Problems of faculty desegregation and student treatment in desegregated schools also arose. Courts then began to approve second generation plans which decentralized the school organization in order to better accommodate citizen desires and input and which focused on the problems growing out of pupil reassignment. Courts also began to discover that many citizens felt that plans which only mixed students restricted choice for some and did not really do much about the quality of education. Third generation plans attempt to increase choices of educational program for parents and students while, at the same time, creating desegregated schools.

One of the major problems of developing plans to assign students in a desegregated fashion is that school systems lack up-to-date pupil and staff census information. In many previous court suits, the development of plans has been slowed because the schools simply did not know exactly where each pupil lived and went to school. In other cases, the information was known but was not centralized in a way that allowed it to be taken apart and put together in different patterns.

The unanimous Supreme Court ruling in *Swann* requires district judges to use discretion on three questions of great concern to citizens:

1. Can any all black or all white schools remain?
2. What proportion black-white is acceptable?
3. How much transportation is acceptable?

The Court said in *Swann*:

1. ". . .the existence of some small numbers of one race, or virtually one race, schools within a district is not in and of itself the mark of a system which still practices segregation by law."

While the Court made no strict rules, it required school districts to prove that assignments to any remaining one race schools were not discriminatory.

2. "If we were to read the ruling of the District Court to require as a matter of substantive constitutional right, any particular degree of racial balance or mixing, that approach would be disapproved. . ."

While no particular racial balance is prescribed, in *Swann* and other cases, district court judges have generally recommended as a rule of thumb that planning should begin with the racial proportions of the school population. Judges have set acceptable margins around that, usually within 20% on either side. For example, in a school district with a 50-50 ratio, each school could have between 30-70% minority children. Some judges have set narrower margins, but no one has ruled that each school must have exactly the racial proportion of the system at large.

3. ". . .an objection to transportation of students may have validity when the time or distance is so great as to risk either the health of the children or significantly impinge on the educational process . . . It hardly needs stating that the limits on the time of travel will vary with many factors, but probably none more than the age of the students."

Since 45% of the school children in the U.S. are already transported, schools have developed rules of thumb for travel time. Ordinarily, the absolute maximum has been one hour each way for older students, with 45 minutes each way considered a much better maximum. For younger children, a maximum of 30 minutes each way has been the standard rule of thumb. For example, the judge in Louisville limited that plan to a 30-minute maximum and the judge in Dayton limited travel for elementary students to 20 minutes.

Schools now assign pupils to schools in some fashion. When found guilty of unconstitutional segregation, they must then develop new patterns of assignment. This is not some mystical process. It is at heart a simple matter of grouping and re-grouping children for learning experiences. The complexity comes from dealing with large numbers of students, effectively utilizing existing buildings, and trying to meet parent and student desires for program and location.

Assignment possibilities can be grouped into five general categories:

1. Rezoning or redrawing school attendance boundaries.
2. Changing feeder patterns for middle, junior, and secondary schools.
3. Pairing and clustering of schools.
4. Altering grade structure.
5. Creation of alternative programs in existing schools or at third sites.

Rezoning is useful in those places where residential areas are racially mixed or in buffer neighborhoods where racial groups come together. Redrawing school attendance lines is no novelty; schools do it all the time. However, it is also not a very useful strategy in most large city districts in the North because residential areas are frequently very

isolated by race. Redrawing attendance areas generally does not require much additional transportation.

Changing feeder patterns for middle, junior and secondary schools is also a relatively simple technique. Pupils are assigned so that one or more predominantly black schools and one or more predominantly white schools feed the same higher level school. This approach for higher grade levels does not necessarily require more transportation depending on the amount of transportation required for existing feeder patterns.

Pairing and clustering of schools are frequently used in desegregation plans at the elementary and junior high levels. A pairing involves two schools; clustering involves three or more. The distance between schools may vary considerably. Different grades are assigned to each school depending upon building capacity and racial proportion of the attendance area. For example, a pairing might have children from two neighborhoods going to K-3 in one building and 4-6 in the other. Junior highs are also frequently paired with grades 7-8 in one building and grade 9 in another. If the school buildings are very far apart, these two examples involve transportation for about one half of the first eight years for each child.

Clustering is more complicated because the possible combinations are greater. One example will help explain. Five schools (A,B,C,D, & E) can be clustered with grades K-5 in schools A,B,C, & D and all grade 6 in school E. All K-5 students from School E's attendance area would be assigned to A,B,C, or D and all 6th graders from those four attendance areas would go to school E. This is a plan frequently in use when schools A,B,C, & D are mostly white and E is mostly black. The problem here is that the black children must leave their neighborhoods for five of the first six years, placing a heavy responsibility on them. Most courts would require them to have much less transportation in junior high and high school.

Altering grade structure is frequently an outgrowth of pairing, clustering, and changing feeder patterns. A 6-3-3 system may become a 3-3-2-4 or a 3-3-1-2-3 system with children attending several different schools. To minimize changes for children, districts keep children in the same group from grades 1 to 12. Even though schools and teachers change and the number of classmates increases, the child finishes school with many of the same children with which he began.

The creation of alternative programs is a fifth general way to achieve desegregation. Several kinds of alternatives have been created as part of more comprehensive plans:

1. Magnet schools – The principle behind magnet schools is that if the educational program is made very attractive, students of all races will want to attend the school. While career training programs are often cited as examples, other types of programs are possible; for instance, performing arts or "a school without walls." At the elementary level, schools are sometimes clustered with each offering a different teaching style – informal, individualized, traditional., Children are given a choice among types, and assignments are made to maintain racial balance.
2. Third site programs – These bring racially mixed groups of children from many schools together at a third site for periods of time. While programs can be designed for 6-8-10 week periods, some school systems have set up much shorter 2, 3, or 4 day programs. Courts have stated that racially mixed experiences must be longer than a few days annually to meet constitutional requirements for desegregation.
3. Transfer – This approach allows any student to select a school other than the one to which he is assigned, provided that he would be in the minority in the school to which he transfers. Such a procedure does not necessarily create new programs, although many districts have established unique programs in each school to encourage transfers, but it expands student choice among existing programs in the district.

In many districts, reassignment and the creation of alternative programs have required closing some buildings, remodeling others, and constructing new facilities. Schools intended for K-6, which are used only for K-3, require some remodeling. A comprehensive high school which is to become a center for arts and music may require extensive redoing. It may be necessary to consider new construction in this case. White parents' and students' fears and opposition to attending formerly all black junior and senior high schools have been a factor considered in closing some schools, or building others at more "neutral" sites.

The reason for the evolving interest of the courts in ordering the development of plans that consider administration and educational quality is that courts are required to balance all interests in developing a plan. In *Brown*, in 1954, the Supreme Court first outlined this principle:

> . . .the courts will be guided by equitable principles. Traditionally, equity has been characterized by a practical flexibility in shaping its remedies and by a facility for adjusting and reconciling public and private needs.

In reviewing plans, courts take into account first righting the constitutional wrong and second, the needs and interests of others in the community. The "constitutional principles cannot be allowed to yield simply because of disagreement" but the implementation of those principles can be done in a way that accommodates community needs and wishes as much as possible.

CHAPTER 5

OUTCOMES OF DESEGREGATION FOR STUDENTS AND COMMUNITIES

by Rachel B. Tompkins

One of the most frequently debated subjects concerning school desegregation is whether children, particularly black children, learn more in desegregated schools than they do in segregated ones. Are integrated schools better for all children? If so, on what measures is this quality assessed? Just what are the outcomes of desegregation for children?

A topic equally likely to raise controversy is the outcome of desegregation for communities. Will schools resegregate because large numbers of white middle class families flee cities which are becoming black and poor? All of these questions seem so straightforward that answers should be easy to obtain. Yet the outcomes of desegregated schools for the children who attend them and the communities which support them are not entirely clear. In fact, studies can be found to support almost any position a person wants to take. There are, however, a few conclusions that emerge from all of the research. Some general points are necessary to provide perspective before the conclusions are presented.

First, the answers to these questions are irrelevant to court decisions. Those decisions are not based on whether achievement scores rise or fall; whether white people leave or stay in the city; or whether anyone's attitudes change. The U.S. Civil Rights Commission summed it up:

> "All such considerations avoid the basic issue: the 14th amendment to the Constitution, not scientific findings, governs both desegregation of the public schools and the transportation, if required, to achieve it. Decisions affecting desegregation rest on legal and moral grounds rather than on scientific research, regardless of its results."

Second, research in education never provides completely clear answers. Part of that may happen because educators do not do good research. But it also happens because of the way in which research has to be done. For example, if a researcher wants to find out whether black children learn more in desegregated schools, he tests black children in desegregated settings. If he compares their scores with black children of the same age, grade, and ability in a segregated school and finds that children in a desegregated setting gain more points in a year than similar children in a segregated setting, should he conclude that desegregation alone causes an improvement in test scores? Probably not. At least it is not clearly so.

Desegregation is not a single simple event. It is made up of many parts. Any one of those parts – new schools, different teacher, more materials, different teaching style, another curriculum – could influence test scores. Children respond to desegregation in different ways – excitement, anxiety, confidence, fear. Those affect test scores. All the researcher could say with certainty about the study is that black children in both schools continued to learn and that these particular black children in this particular desegregated setting did better than those particular black children in that particular segregated setting. A great number of studies that showed the same results would begin to indicate that something about desegregated schools seemed to improve scores that black children made on achievement tests. Even then, we would not know what factor or set of factors in a desegregated school caused the achievement increase.

Research on white flight has another set of problems. People leave cities for many reasons. In fact, each individual who leaves probably does so for more than one reason. The best way to find out how many people leave because of desegregation is to ask everyone who leaves for several years after desegregation occurs why they left. The problem with this type of research is that it is expensive and time consuming to track down everyone. The results will also reflect only the peculiar events of one city. Another good way to decide whether desegregation causes whites to flee is to review changes in percentage white for several years before and after desegregation in a large number of cities. This is much less costly and time consuming and allows for general conclusions for large numbers of cities. The problem with this research is that we can never be certain why people left because no one asked them. Another less accurate way to study white flight is to record changes in racial composition of schools in several cities and to record changes in percentage white population in the same cities over the same period of time. The problem here is that the information does not distinguish at all between cities that actually had a policy of desegregation and cities that did not. All white flight will be attributed to government action to desegregate when, in fact, there may have been no such action.

In addition to problems of methods and interpretation, even if social science research gave clear answers to all questions, it might not be very helpful in deciding what policy to follow. For example, research may well indicate that over time, children score higher on achievement tests in desegregated schools than similar children in segregated settings. Opinion research may also show that most white parents and many black parents prefer not to have their children transported to achieve desegregated schools. What is the best policy in this case – desegregate or not? Desegregation is a moral, legal, and political issue and the question cannot be answered by research results alone.

None of these three points means that educational research should never be done or that it is never very useful. It is important to educators to learn about how different children react in different school settings. Teachers can then respond to particular needs of children and structure learning in a way that is most productive. Research on student outcomes of desegregation is important because it shows what schools do well and poorly and where they need to improve.

Student Outcomes

The most extensive and in many ways most important research done on student outcomes from school is *Equality of Educational Opportunity* (EEO), commonly called the Coleman Report after its principal author, James S. Coleman, a sociologist now at the University of Chicago. The study was ordered by Congress in 1965 to determine whether schools were providing equal opportunity for all children. The original request was for the Office of Education to measure school resources – facilities, teachers, books, money – and to determine if they were equally distributed throughout the country. In the process of designing the research plan, government officials, in cooperation with Professor Coleman, decided to collect outcome information in the form of achievement test results. Statistical analysis would then enable conclusions to be made not only about the distribution of school resources, but also about the effects of those resources on the learning exhibited by children on tests.

The study included 4,000 of the 17,000 school districts in the U.S. Questionnaires were completed by 645,000 pupils. Several thousand teachers and administrators also answered questionnaires. Achievement tests were administered to pupils at 1st, 3rd, 6th, 9th and 12th grades. Another part of the study collected information on institutions of higher education.

The major conclusions of the report were:

1. The great majority of American students attend segregated schools.
2. Nationally, black pupils have fewer of some of the facilities that seem most related to academic achievement: fewer physics, chemistry, and language laboratories; fewer books per pupil in the library; fewer textbooks. Regional variations are great.
3. Black pupils also have fewer of the curricular and extra curricular activities that one associates with academic achievements; items like accredited schools, college preparatory programs, debate teams, and student newspapers. Regional variations again are great.
4. The average minority student attends schools with classmates that have fewer of the characteristics we associate with academic success – well educated parents, small families, many books in the home.
5. Black students enter school six months behind their classmates on achievement measures. By grade 6, the difference has grown to 1.6 years. At grade 9, it is 2.4 years. At grade 12, it is 3.3 years. Schools provide little opportunity for decreasing the initial gap in scores.
6. Once socio-economic characteristics, family education and income, are considered, the differences in resources among schools explain only a small amount of the variation in achievement.
7. Pupil achievement is strongly related to the educational backgrounds and aspirations of other students in the school.
8. Minority students who feel they "have control of their destinies" score higher on achievement tests than those who do not feel this way.
9. The test performance of black children in integrated schools is slightly higher than test scores of black children in segregated schools.

Many people believe that one of the conclusions of this report is that "integrated schools are better". There is evidence in the report that segregated black schools do not provide the same resources to pupils as majority white schools. But there was no strong link found between most of those resources and achievement while a link does appear between social class of a student's classmates and test results. Lower class children of whatever race score higher in schools made up of middle to upper class children than they do in schools made up of lower class children. The data on integrated schools did show higher average achievement than for segregated schools but the difference was very small. The report did not provide clear and convincing evidence that integration was better and it raised a storm of controversy on the issue of any schools' ability, whatever its racial composition, to affect achievement scores.

Three other points, however, are important to make about this report and its relationship to desegregation. Black children are more likely to be poor than white children so racial desegregation can in many cases achieve social class integration as well. Many outcomes of schooling other than just achievement are important to parents and to society; for example, creativity, curiosity, civic responsibility, moral judgement, artistic taste, leadership skill, or human sensitivity. The EEO study and other quality research have not studied differences between desegregated and segregated schools on those outcomes. The success or failure of all public education including desegregated schooling probably ought to be decided on broader factors than achievement test scores. Finally, even if research indicated clearly that social class integration improved all outcomes for all children, there are no laws that require social class integration. Courts can and have taken into account the importance of social class when racial desegregation plans have been drawn up, but they have no legal basis by which to order social class integration.

A recent book by professor Nancy St. John, *School Desegregation: Outcomes for Children*, reviews the evidence from 120 separate studies of student achievement, racial attitudes, and self-confidence in desegregated settings. Her conclusions are worth reporting in some detail:

> "During the past 20 years considerable racial mixing has taken place in schools, but research has produced little evidence of dramatic gains for children and some evidence of genuine stress for them. The probable reason for such outcomes is that desegregation is rarely true integration; in other words, it is rarely implemented in ways that give minority children equal status and full protection against victimization and cultural marginality."
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> "But although desegregation is not to date a demonstrated success, it is not yet a demonstrated failure There is as little evidence of consistent loss as there is of consistent gain. Further, in spite of the large number of studies, various limitations in design weaken the best of them Thus in a sense the evidence is not all in."
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> "...There is no indication, however, that we need to revise the basic hypothesis that in the

long run integration benefits children. It is the implementation rather than the goal which now need attention – how can "mere desegregation" be translated into "true integration"?

The research from these 120 studies agrees generally on the following points:

1. White achievement scores have been unaffected generally.

   Many people feared that white scores would fall in desegregated schools. There is no evidence to support this.

2. The gap in black-white achievement has not closed very much.

   There are some small gains for black children reported so the gap is not quite so wide.

3. Black achievement has sometimes risen and almost never fallen.

   One explanation for cases in which scores have fallen is that the measures were for the initial year of implementation, a time of confusion in some schools and of tension for some children.

4. Improvement for black children has most often occurred in the early grades, in arithmetic and in schools over 50% white.

5. Biracial schooling seems to have some negative effect on both academic self-concept and general self-concept of black children in the short run. In the long run, some evidence suggests that the aspiration, self-esteem, and sense of control for black children are increased.

   Two reasons are generally cited for these results. First, black children from schools with low average achievement moving into schools with high average achievement may feel inadequate initially. Second, school teachers and principals may not help the black child understand his worth and potential. In some schools, there is evidence of practices that continue segregation within schools by ability grouping and other policies. Coleman's findings on the relationship between feeling control over one's destiny and achievement have been duplicated in other studies.

6. Desegregation apparently tends to lower educational and vocational aspirations of black children in the short run although some suggest that this is a reduction of unrealistically large aspirations.

7. The immediate effects of desegregation on attitudes is mixed. White racism is frequently aggravated.

8. Inter-racial friendships are more likely among young children and among those who have been desegregated for a long while. Social class seems to have influence here with middle class whites and blacks more likely to form inter-racial friendships.

9. Interaction among secondary school students varies from one community to another. It does seem that communities with great controversy have more hostile reactions among older students than communities that have not had much visible opposition.

Community Outcomes

One of the major concerns regarding school desegregation is "white flight". Some believe that large numbers of white parents will either move out of a school district undergoing desegregation or will remove their children from public schools and enroll them in private ones. Information is available from actual experiences on this matter. Great attention has been focused on the subject recently by the writing, speeches and interviews of James S. Coleman. Four other studies on "white flight" will be summarized along with Professor Coleman's work.

All authors agree that whites are fleeing central cities and have been for two decades or more. The questions are whether desegregation (particularly if court ordered and achieved by busing) causes additional flight and, if so, how much.

Coleman examined statistics collected by the Office of Civil Rights of the Department of Health, Education and Welfare. He developed an index to describe the state of segregation among schools in the United States in 1968. He computed the same index in 1972 and compared regions of the country with each other and with themselves at the two points in time. He also compared districts of different size. He concluded:

1. Much segregation exists within large city school districts.
2. Regional variations exist with the South having made the greatest progress toward desegregation.
3. Small districts (up to 25,000) have been most successful in eliminating segregation.

None of these are particularly startling conclusions. Many other people have made them. Coleman, however, went on to make some projections about the future in the 20 largest central city districts in the United States and the next 50 largest city districts based upon what occurred in those districts between 1968 and 1970. He assumed that any decrease in segregation within districts during those two years was due to school board or court action. He concluded that whites were fleeing the 20 largest cities because of these government actions. He further concluded that the courts ought to stop ordering large scale desegregation particularly that involving busing because when it was ordered, whites left the schools.

Whites may, in fact, flee desegregation. Coleman's research, however, proves nothing of the kind. The following facts are very important.

1. None of the 20 largest cities included in his research had undergone court ordered desegregation in the years he studied them. Houston, San Diego, and Columbus had some voluntary transfer programs. New Orleans, Memphis, Tampa and Atlanta had integrated faculties.
2. None of the 70 cities he studied had desegregation plans involving busing. The Supreme Court first approved such a plan in April, 1971. His data do not indicate response to busing.

3. Coleman's general conclusion about court ordered desegregation is his opinion. It is not scientific truth supported by clear and convincing evidence.

Three other studies of white flight have important conclusions. Reynolds Farley, a sociologist from the University of Michigan, compared cities undergoing desegregation by court order between 1967 and 1972 and those which did not decrease school segregation very much. He divided cities by region and by size. His conclusion:

> "...the majority of the 125 districts lost white students. In some of those districts losing whites, there was also a sharp decline in segregation while in other cities losing whites, school segregation did not change after 1967 ... In neither region is there a significant relationship between school integration and white flight."

The table below shows sample cities from Farley's study with those having court ordered plans starred (*).

TABLE I

	Segregation Index	Percentage Change in White Enrollment
North		
* Denver	-24	-13
* San Francisco	-47	-25
Chicago	+ 1	-23
Pittsburgh	+ 2	-32
Cleveland	+ 2	-13
Philadelphia	+ 5	- 6
Seattle	- 3	-44
South		
Baltimore	+ 2	-38
Miami	-25	- 3
Washington DC	+ 4	-40
Atlanta	-14	-54
* Nashville	-48	-25
St. Louis	+ 1	-27
* Tampa	-73	+ 8
* Charlotte	-64	-13
* Oklahoma City	-72	-39

Note: Negative numbers in the segregation index indicate desegregation. Positive numbers indicate increasing segregation. The size of the number does reflect the magnitude of the change thus Denver with a -24 sharply reduced segregation while Seattle with a -3 did not desegregate much at all.

The table makes very clear that whites are leaving cities whether or not schools desegregate. They have left all cities where court orders were handed down except for Tampa, Florida. But Pittsburgh and Baltimore were among the highest losers of white enrollment and they increased segregation slightly.

Other research indicates that not only whites are leaving large cities. Between 1970 and 1974, black population in Washington fell by 5%. This decline was more than twice as fast as the white flight. Washington's suburbs increased their black population by 61% in the same period. Similar statistics exist for Los Angeles and San Francisco.

Christine Rossell is in the process of studying 86 northern school districts and their response to desegregation. She is collecting information on percentage changes in white enrollment for several years before and after desegregation. Eleven cities in her study have undergone court ordered desegregation. Only two, Pasadena and Pontiac, show a significant decrease in percentage white children in the schools immediately following the court order. All nine other cities, including Denver, San Francisco, and Oklahoma City, have about the same rate of white flight both before and after the court order. By the second or third year following the court order even Pontiac and Pasadena have stabilized to the pre court order rate or lower.

The only study that actually interviewed parents who withdrew their children from public school and enrolled them in private schools was done in Florida in 1973 and involved seven districts that had desegregated between 1968 and 1972. The results were:

1. 2.3% of parents with children attending schools less than 30% black transferred them to private schools.
2. The percentage transferring from schools over 30% black was 6.4%.
3. Whether or not a child was to be bused or the length of the bus ride was not the major reason for transferring. The major reason was the racial makeup of the school.

While the percentage of children leaving is not trivial in this study, it is also hard to call 2% or 6% massive white flight.

The only fair way to interpret all of this research is to say that whites and blacks who have the choice are leaving our largest cities for a variety of reasons. Desegregation by court order involving busing will probably cause some whites to leave but many of them may leave anyway. The numbers leaving cannot be considered massive. Aside from Professor Coleman's opinion, there is no strong evidence at this time to show that slowing the pace of school desegregation or halting court ordered busing will affect "white flight" very much one way or the other.

CHAPTER 6

HIGHLIGHTS OF DESEGREGATION IN BOSTON

by Charles W. Case

Riots, violence, and school boycott are only a tragic part of the story of school desegregation in Boston. This chapter outlines the many steps that have been and are being taken to bring about a constructive process of integration in the face of strong opposition of the Boston School Committee (the school board) and many citizens.

Acute conditions of racial isolation in Boston schools stimulated the Massachusetts State Board of Education and the U.S. Department of Health, Education, and Welfare to exert pressure for desegregation. These initial efforts were closely followed by an NAACP suit against the Boston School Committee in the U S. District Court. The suit led to a court order for implementation of a plan of desegregation.

Disbelief that a plan would be ordered, defiance, and unpreparedness resulted in the tragic outcomes of Phase One in the desegregation of Boston schools. On the other hand, serious disorders took place in only four out of the eighty schools included in the Phase One Plan.

Boston has not solved all of its problems in integrating its schools. It has, however, taken major steps that provide significant guidelines for other communities faced with similar problems. Of particular importance, Boston has focused upon the need for improving the quality of education in its schools; responsibility for the operation of schools has been decentralized; and comprehensive plans have been developed for the participation of parents and other citizens, the business and labor communities, and institutions of higher education in planning the operation of schools and providing guidance to students.

Summary of Events Prior to Phase One

In the Fall of 1971, the Massachusetts State Board of Education withheld twenty-one million dollars in state aid from the Boston Public Schools and demanded that the Boston School Committee produce a desegregation plan for the 1973-74 school year that would be in compliance with the State Racial Imbalance Act. The Racial Imbalance Act of 1965 defined any school with a non-white enrollment of more than 50% as imbalanced and gave the State Board of Education the right to refuse aid to districts that failed to correct the imbalance. For six years the State Board of Education had sought compliance from the School Committee. Of Boston's approximately 85,000 public school students, forty percent were black. Most of the black students were in schools that were at least eighty-five percent black. The mayor of Boston intervened in 1971 and brought about a temporary compromise, which was soon ignored by the School Committee.

The State Board of Education responded by withholding fifty-two million dollars in state aid. The School Committee then sued the State Board of Education in Suffolk County Superior Court; the state responded with a counter suit. During the same period of time, the NAACP developed and filed a suit against the Boston School Committee in Federal District Court.

In June, 1972, the U.S. Department of Health, Education and Welfare notified the Boston schools that formal proceedings under Title VI of the Civil Rights Act of 1964 were being instituted to examine Boston's school desegregation efforts. Ten million dollars of federal aid could be withheld if the efforts were not satisfactory. The hearings were held and in early 1973 the hearing judge ruled that Boston was operating a dual school system.

During 1972, the State Commissioner of Education was directed by the State Board of Education to draft a desegregation plan for Boston. The plan was adopted by the State Board of Education in the Fall of 1972. This plan concerned itself primarily with the distribution of students on the basis of racial percentages in order to comply with the state law. It affected only part of the school system and did not deal with questions of faculty integration, of appropriate community participation or of improving the quality of educational programs.

In December, 1972, the Suffolk County Superior Court ordered the State Board of Education to restore the state aid to Boston and ordered Boston to comply with the State Racial Imbalance Act and to implement the state plan for desegregation. The School Committee immediately appealed the decision to the Massachusetts Supreme Judicial Court.

The State Supreme Judicial Court conducted quasi-judicial hearings on the State Board's desegregation plans for eighteen days. The court-appointed experts conducting the hearings were particularly concerned about alterations in the plan. The hearing officer recommended to the court that since the state plan was consistent with the state imbalance statute, it should go into effect as soon as possible, with a few minor changes and with the major exception of South Boston. The State Board of Education insisted that South Boston not be exempted and that the plan be implemented in September, 1974. In October, 1973, the Supreme Judicial Court agreed with the State Board.

At the same time, Judge Arthur Garrity was hearing the NAACP suit against the School Committee in the U.S. District Court. In June, 1974, he issued a detailed decision charging the School Committee with deliberately promoting segregated conditions through decisions in school construction, pupil assignments, pupil transfer policies, feeder patterns, and selection to the black vocational schools and white, elite examination schools. He stated that segregation "...permeates schools in all areas of the city, all grade levels, and all types of schools."

Judge Garrity noted that the Boston School Committee had consistently rejected proposals to redistrict for racial balance but did redistrict at times when there were no racial implications. The defendent's position was that the

present segregation was not a product of its intent, but was due to factors over which it has no control, or was due to the policy of providing neighborhood schools, a policy which predated any segregation that now existed and which was constitutionally permissable. The Court maintained that inaction which resulted in segregation was as unconstitutional as action which segregated. Judge Garrity ordered the School Committee to implement the desegregation plan prepared by the State Board of Education by September, 1974 – twelve weeks away.

With twelve weeks left prior to the implementation of Phase One, the School Committee immediately filed an appeal to the U.S. Circuit Court of Appeals. The court in December upheld Judge Garrity's decision. The U.S. Court of Appeals (First Circuit) held that patterns of selective action and refusal to act in light of forseeable racial impact, accompanied by statements of express intention not to counter anti-integration sentiment, evidenced an intention to create or maintain a dual school system. The court found evidence of a dual system in feeder patterns, policies of open enrollment and controlled transfer, changing of attendance zones, and placement of provisional teachers in predominantly black schools. A later appeal to the U.S. Supreme Court upheld Judge Garrity's decision in May, 1975.

Planning for Phase One

While appeals went forward, Judge Garrity, in mid July, gave the School Committee two more weeks to submit an alternative to the state plan. In the meantime, the anti-busing movement lead by ROAR (Restore Our Alienated Rights) held protest demonstrations and promoted a boycott of the schools which was held in September. After the two week period, at the end of July, the School Committee refused to submit an alternative plan. The judge ordered that the state plan be implemented. Six weeks were left before school opened.

The School Committee, in early August, decided to appeal part of the court ordered requirements of Phase One. This additional appeal caused the attorneys for the School Committee to threaten to withdraw from the case because they believed the appeal without merit. The School Committee backed off.

In mid August, with school opening less than a month away, school and city officials, directed by the mayor's office, began scrambling to line up extra buses; plan bus routes; anticipate traffic problems; organize safety plans with the police and fire departments; prepare training programs for teachers, principals, aides, and monitors; organize school security plans; organize an information and rumor control center; and reassign students and teachers. Many transitional aides had to be hired and trained to ride the buses and to assist in the schools during the school day; likewise, traffic supervisors were needed for street crossings. All of the planning and organization was done with last minute haste. For example, the training programs in human relations for teachers, administrators, aides and monitors were hurriedly prepared and conducted and had no chance to be effective.

The mayor spent the summer holding coffee klatches in homes throughout the city to discuss the plan. He had remained aloof from the process until the court order was issued, but then became somewhat active in an effort to decrease the possibilities of violence. He continued to voice strong opposition to busing.

The mayor's office established seventeen neighborhood desegregation task forces to coordinate the efforts of the police department, fire department, schools, clergy, home-school associations, community agencies, and street workers in those areas. Coordination and cooperation among city departments in Boston was not a commonplace occurrence.

A coalition of black organizations organized safety plans, rumor control, and dialogues between black and white parents. Plans were also made for neighborhood parents to be available to bused children who became ill in school. The coalition was facilitated by Freedom House, a strong black organization with a 25 year history of community service.

In late August, Judge Garrity requested assistance from the Community Relations Service of the U.S. Justice Department to monitor the implementation of the plan. The Community Relations Service serves a role as conciliator and mediator and began working in communities attempting to desegregate in 1970. The CRS had attempted to work quietly in Boston early in 1974 to help the schools prepare for implementation, but the prevailing attitude in Boston at that time was "Why plan? There will be more appeal and delays." The CRS attempted to encourage contingency planning even though the appeal process was in motion.

The CRS is free to work with any group in a community. Judge Garrity issued a court order for all parties of the suit to work with the CRS. However, there was little positive leadership for implementation. Business, higher education, churches, and other civic organizations were generally not involved. There were notable exceptions, but they were few. The Boston media did emphasize balanced coverage so as not to inflame emotions by focusing only on negative factors.

Implementation of Phase One

In this climate of defiance, fear, and unpreparedness, school opened in Fall, 1974. Demonstrations, stoning of buses, and the boycott began immediately in South Boston. Each day the acts would be repeated as the buses carrying black children rolled into South Boston in the morning and departed in the afternoon. The police immediately escalated the security force and procedures; the manpower in South Boston was quadrupled and orders were given that groups of three or more were to be dispersed and if they resisted, they were to be arrested. ROAR continued its marches and directed some of its emphasis towards the "liberal" media.

Serious disorders took place in only four schools out of the eighty schools included in the Phase One Plan. All four were in white neighborhoods. Schools in black neighborhoods desegregated peacefully.

In late September, Judge Garrity ordered that hearings on Phase Two – the plan for Fall, 1975 – were to begin.

During this period of time a coalition of black organizations – Freedom House, Lena Park Community Development Corporation, and Roxbury Multi-Service Center – increased its efforts in the black community. A Community Information Center was established for informational meetings, rumor control, protection, and emergency service such as transportation, child care, and legal services. A Coordinated Social Services Council was formed, coordinated by Freedom House, involving over 40 community agencies and organizations that met weekly to share infor-

mation and to plan for desegregation-related social services. Other assisting organizations included Boston University Consultation and Education Program, Model Cities, YMCA, Education Task Force, Elma Lewis School of Fine Arts, Massachusetts Council of Churches, Boston Ministerial Alliance, Catholic Archdiocese, Family Service Association, YWCA, and the City-Wide Educational Coalition.

In October, the violence escalated and it spread from the streets into the schools. Police were assigned duty in the schools and the force on the streets was doubled. Incidents also occurred in other locations in the community. Many anti-busers began to direct their epithets toward the police. Each day the battered buses ran the gauntlet.

The mayor, at this point, asked Judge Garrity to bring in the federal marshalls. The judge responded that this would have to be a last resort after all local efforts had failed. He recommended that the mayor request the governor to send in state police. The teachers union asked the superintendent to close the affected schools; the superintendent said no. President Ford, at a news conference, stated that he was not in favor of sending in marshalls or troops – or busing. Meanwhile, the governor was deciding whether or not to send in the National Guard. The U.S. Justice Department sent in prosecutors; one week later they made two arrests relative to earlier incidences of violence. A stabbing occurred in a school and the governor ordered in the National Guard. As these events took place in late October, Judge Garrity ordered that Phase Two include the entire city and that a plan for this be submitted by the School Committee by December 16, 1974.

In November, the violence and harassment began to abate somewhat. The number of guardsmen were reduced by two thirds and the number of state police in the school corridors was reduced and some were replaced by city police. However, four thousand five hundred high schoolers continued to boycott four high schools and white high school students still continued to refuse to elect representatives to the Biracial Councils ordered by the judge.

In December, a short school month due to holiday observances, the state police force was reduced by two thirds and the enrollment of white students began to increase, especially among seniors. At this point, fighting began to escalate again and another stabbing occurred. The superintendent then closed the schools.

Judge Garrity ordered the exclusion of all persons in the schools except those assigned to be there. Also, he ordered that no groups were to be within fifty yards of the school or the bus routes, and that racial slurs were not to occur on school property. He announced that failure to obey would result in closing South Boston schools permanently; he further ordered that a contingency plan for such an eventuality be prepared immediately. Very few people wanted the South Boston schools closed.

The School Committee voted 3-2 not to submit a plan for Phase Two. Attorneys for the schools submitted the plan that had been prepared by school officials on their own and requested the judge remove them from the case. The Judge ordered the School Committee before him. He accepted with regret and understanding the resignation of the attorneys. The three person majority was given a week to show cause why they should not be held in civil contempt of court.

In January 1975, the police commissioner urged that the schools remain closed and the superintendent, under duress, did so temporarily. The U.S. Court of Appeals (First Circuit) ruled on an appeal that had been filed by the teachers' union challenging the part of the Phase One decision which ordered the schools to hire one black teacher for every white teacher employed. Prior to Phase One, the schools had only seven percent non-white teachers and a student enrollment of about 40% non-white. The Court of Appeals affirmed the District Court's decision and ruled that the District Court had not exceeded the scope of its remedial powers.

The majority of the School Committee returned to court to respond to the contempt charges. They indicated that they would obey the strict letter of the law, but they would not approve a plan involving forced busing. The judge ruled that they were in civil contempt of the court and gave them the weekend to reconsider. They returned and offered to prepare a completely voluntary busing plan, but no more. The judge reluctantly agreed, but he began to assess the capabilities of individuals who might be appointed as masters and experts to the court to prepare a plan for Phase Two.

Even with the problems, attendance was relatively high. During the first four months of school in 1974, the average daily attendance had been 75% compared with 85% in the previous year. Elementary grade level attendance during this period was 82%. One hundred and eighty-five new black teachers began working during the first term. Police had been used in only three of the schools. Eighty percent of the court ordered Biracial Councils had been formed. One potential problem arose when twice as many black students as white students were suspended.

In February, four masters and two experts were appointed by Judge Garrity to prepare a plan for 1975 which they completed in mid-March. Upon the release of the plan, the NAACP and the State Board of Education filed briefs stating that the plan did not go far enough. In April, Judge Garrity told the court-appointed experts to redraw the attendance district lines so that no more than sixty percent or less than 40 percent of any race would be reflected in any of the districts except East Boston. During this period of time, the anti-busers succeeded in convincing the legislature to repeal the State Racial Imbalance Act. The repeal, however, did not affect the desegregation effort based upon the U.S. Constitution. In May, Judge Garrity made his final ruling on Phase Two. An amended Master's Plan was approved and ordered to be implemented in September, 1975.

In the final months of the school year, the tensions in the schools and the streets decreased significantly but ROAR continued to oppose the desegregation process and told the community it would seek an anti-busing amendment to the U.S. Constitution.

Phase Two Plan

The plan was developed by a panel of masters consisting of two attorneys and two educators who worked with two court-appointed experts; all were experienced and distinguished members of the Boston metropolitan community. The role of the panel was to determine the facts and make recommendations to the judge. The panel was restricted from collecting information personally and directed experts to collect specific information. The experts were retained into the implementation period to provide continuity and to assist the judge who has no staff except for a law clerk.

The experts began their work by collecting all the information and data which had been made available to the courts over the previous ten years. Since the data had been

collected for the most part through the examination and cross examination of witnesses in trials, the various data packages conflicted with one another. The Boston schools had only grudgingly released information for ten years. As specific allegations were made in court, the schools would release some data to counter the allegations. After two and a half years, the court still did not have accurate data even on the number of children in the school system, since the annual attendance reports that go to the State Department of Education were judged inaccurate and insufficient. Finally, at the request of the panel, Judge Garrity issued a court order demanding that school officials provide printouts indicating the name, address, sex, ethnicity, and school attendance of every child in the district – 85,000 in total.

Some of the specific data in addition to pupil demographic data that was critical in formulating the desegregation plan included the names of school facilities, their capacity, the number of students with special needs, the number of bilingual students, the ethnic composition of attendance areas, and the results of feeder patterns. The conflict over fact had been tremendous: schools listed as closed were really open; a school listed as an elementary school was really a sheltered workshop; three different sets of figures existed on building capacities – some varying by as much as 500 pupils.

The panel of masters held eleven days of evidentiary hearings and one day of school site visitation. The two experts drafted a plan that was distributed to all parties to the suit for their reaction; the parties also received all the memoranda given to the masters by the experts. The parties were given the opportunity to cross examine the experts. An order was issued permitting any organization that had filed desegregation proposals or comments before the commencement of the hearings to present documents in support of or in addition to its submission, including comments on the draft of the Master's Plan. On February 26, 1975, the panel heard arguments of counsel for the parties.

The masters concluded the various plans submitted by the parties to the suit were inadequate and unacceptable. Some of their specific objections to the various plans included:

> Total freedom of choice plans were unacceptable as determined in the *Brown II* and *Green* decisions.
>
> Proposed magnet programs were not likely to be of high quality or be so perceived by the community.
>
> Part-time integrated schooling cannot substitute for a desegregated education.
>
> The plans did not assure improved educational programs appropriate to the special needs of students.
>
> An excessive number of unnecessary school changes were included; attendance zone boundaries differed somewhat at different levels.
>
> Some plans burdened the minority community more than the majority; they closed more black schools and bused more young black children.

Major Emphasis of the Phase Two Plan

The theme for the Phase Two plan developed by the panel was the reestablishment of quality education in Boston. The masters noted that the quality of education in the Boston schools had steadily declined for many years. They focused on the large number (75 percent) of students who do not go on to postsecondary education. They noted that course offerings had remained unchanged for many years. They pointed out that black students were generally found in the schools that were most crowded, oldest, least well-maintained, and most poorly staffed.

The Masters noted the elements they had accepted from the several different plans and suggestions that had been submitted by the School Committee, NAACP, State Board of Education, Mayor, and the Public Facilities Commissions. Some of the "borrowed" elements included:

> Alternatives offered to parents and students.
>
> Geographic assignment, which provides sure and predictable desegregation.
>
> Decentralization of school administration.
>
> The interim use of downtown locations to accept entering classes of the high schools of East Boston, Charlestown, South Boston, and Roxbury.
>
> The consolidation of some schools and some school closings.
>
> Minimum compulsory busing of students.

The general parameters and directions for the specific plan agreed upon by the Masters included:

> The creation of nine community school districts (later changed to eight) which correlate rather well with the boundaries of wards, precincts and neighborhood units, and one city-wide school district.
>
> Reorganization of school administration to accommodate the new district plan.
>
> Attendance options for students and parents to include:
>
> (1) assignment to the community school district wherein they reside (no guarantee of which school in the district),
>
> (2) remaining in current school if it was one of the Phase One schools,
>
> (3) attending a city-wide magnet school,
>
> (4) attending a specific program available in another community school district if the ethnic composition is within established limits, or
>
> (5) attending a school external to the school system such as one suburban exchange school in the voluntary interdistrict busing program.
>
> Emphasis upon programs that stress variety and innovation.
>
> Pairing of schools and programs with specific colleges, businesses, and labor organizations.
>
> Provisions for twelfth graders to remain in the school they were in last year, if they wish, and kindergartners to be exempted from busing wherever possible.
>
> Closing several buildings to upgrade the quality of services and to consolidate students for the furtherance of desegregation.

The general introduction to the plan also emphasized that some mandatory busing was necessary because neighborhood assignments would not desegregate the schools due to the geography and racial and ethnic distribution of Boston. The revision of attendance zones, grade structures, construction of new schools, closing of old schools, and majority-to-minority transfers all required some students to attend school outside their neighborhood for part of their school years.

Some Specifics of the Phase Two Plan

Student and parent options for school attendance are exercised through a three step procedure: first, the family files an application stating its preference; the school department analyzes all of the application returns under court review; and having determined ethnic ratios, the student is notified of his or her assignment. With the application for filing, the family receives a multilingual booklet describing program options and how to apply. The application includes information on the age, ethnicity, residence, last school and grade, special learning or treatment needs, Title I elegibility, and home language of the student. Families have ten days in which to reply and the school district must notify the student of the assignment within twenty-one days.

Parents and students can go to an information and guidance center in each community school district for help in selecting programs. In some communities, civic organizations provide assistance to parents. Generally, parents are not aware of the advantages of various program opportunities and need an opportunity to discuss them before making a decision.

For the few remaining racially isolated schools in the city, third-site resource centers were established. Elementary school students attend the centers one day each week; middle school students attend one day every two weeks. This is a temporary measure for a small number of students.

Each community school district has a community superintendent and a community council. Each school facility has a principal or headmaster. Principals in each district form a council of principals, chaired by the community superintendent. Each district, within the constraints of state standards and school department policies, is to develop its curriculum and programs of instruction and extracurricular activities in response to the needs and interests of parents.

Each community district high school is to be a four year, comprehensive institution providing both vocational and college preparatory education; also it is to serve as an adult and multipurpose community education facility. Variable styles of instruction are available in the elementary and middle schools ranging from an emphasis on basic traditional approaches to open education.

The district office is in a convenient school in each district and includes the community superintendent, community secretary, and professional staff charged with district-wide servicing of ancillary programs in special needs diagnosis and referral, counseling, social work, and adult or community education. The office serves as the meeting place for the community council and the council of principals.

There are now uniform grade structures: 1-5 elementary, 6-8 middle, 9-12 high, and most elementary schools have a kindergarten. Previously, there were three different patterns of grade progression.

The plan designates ethnic ratios for each school in each district and allows for an eight percent variance. The panel felt it was necessary to be specific to ensure equitable desegregation throughout the city and, yet, to recognize particular geographic constraits and ethnic concentration. This plan introduces the concept of diversity rather than requiring strict racial percentages for purpose of desegregation, and yet insures that there will be a significant number of minority students in each school.

The city-wide school district is comprised of those schools offering distinctive programs (magnets) for students residing anywhere within Boston. It has comprehensive standards and procedures for admission. By September, 1976, each school must have forty to sixty percent white, thirty to fifty percent black, and five to twenty-five percent other minorities. The magnet approach provides the opportunity to offer special programs that would be too costly to duplicate throughout the city, but are feasible if located in one place and available to all students. The magnet schools have been placed in locations to which students would be reluctant to go without special incentives. While magnet schools cannot be used as the primary means of desegregation, they are valid as a part of a total plan.

The Phase Two plan contains a moratorium on new construction, because current facilities are more than adequate for the declining birthrate projected through 1985. Estimates are that closing 25 buildings would save $1 million per year in fuel and maintenance expenditures alone. The plan also provides for a more efficient utilization of 70 underenrolled elementary schools.

A City-Wide Coordinating Council monitors the implementation of this plan and all related subsequent orders of the court including policy-making by the School Committee, administration and staffing, planning, curriculum and instruction, discipline, transfer procedures, police-school relations, budgets, expenditures, and teacher and student training in human relations. There are 45 members and a full-time, paid Executive Director, seven professional staff and two clerks. Some members of the Council attend all Boston School Committee meetings, including executive sessions. This Council may notify the Court or request court action on issues of non-compliance or deviation from the objectives of the court's orders; they receive information or concerns from the community councils. Detailed items to be monitored are part of the plan and reflect the legal requirements to see results and not just paper plans.

The community councils advise and plan with the community superintendents and the council of principals. Each council has thirteen members, including five parents, two high school students, one teacher, one business person, one college person, one labor person, one police person, and the superintendent. Their powers are limited to guiding desegregation and reporting to the City-wide Education Council.

The monitoring data, submitted by community superintendents to the councils and to the court, includes the ethnic makeup of students, faculty, administration, and aides; results of the discipline code (uniform for Boston); evaluations of human relations training; information stemming from the uniform code governing the request for police assistance and the activities and control of police in school buildings; the length of experience of staff, number of permanent faculty, and the use of substitutes; student achievement information, attendance rates, discipline rates, suspensions and expulsions; information on facilities and their adequacy for particular school programs, and data on

the repair, maintenance and cleanliness of the facilities; types of programs available to students; the budgets and allocations for books, equipment, supplies and field trips; plans for improvements in programs; and an evaluation of parent/student/staff involvement and communication.

Phase Two and Higher Education

The idea of involving higher education in Phase Two came from the educators on the panel of masters in response to the concerns about the quality of education in the Boston schools. The panel asked the court experts to prepare a list of possible pairings of colleges and universities with particular schools to work together on improvement of quality. The attorneys on the panel made these pairings part of the court order to put teeth into the plan. The panel met with 16 college presidents to present the idea. Most of the presidents, especially of private institutions, resisted the plan. The panel strongly requested that the 16 presidents give the panel a pledge to participate, within 36 hours, to be used as an appendix in the Master's Plan. All 16 did so. One of the attorneys on the panel appointed an ad hoc committee of lawyers to devise a contract for such partnerships. As this became public information, six more colleges asked to be included and later one more signed on. Judge Garrity ordered the State Board of Education to provide $1 million for planning to take place during the summer of 1975.

The higher education institutions worked with the schools during the 1975 summer to plan their partnerships for fall implementation. The partnerships range from Harvard's commitment to one school, Roxbury High School, to Boston University's commitment to all 16 schools in one community school district.

The colleges had some difficulties in working with teachers and parents in the planning phase. There was agreement that the school programs need much improvement, but often the issue seemed to come down to a disagreement over what constituted a "quality education". The involvement of universities includes not only the Colleges of Education, but all colleges within the institutions.

Phase Two and Business

From the beginning, business leaders have been divided in opinion on the role they should play in the school desegregation process. Some feared physical damage to their businesses should they become involved. Others saw themselves as national and international corporations with little relationship to the local community. Others accepted the responsibility to participate in the magnet school partnerships.

The Tri-Lateral Task Force is a partnership of the Metropolitan Boston Office of the National Alliance of Businessmen, the Greater Boston Chamber of Commerce, and the Boston School Department. Five programs comprise its efforts to assist in attaining quality education in the Boston schools:

A Human Relations Program directed towards achieving a peaceful implementation of the desegregation plan. Fifty thousand dollars was given to the mayor for a public relations campaign. Some businesses have released employees to serve as monitors in the schools. Another emphasis in this program has been to link all groups providing information to insure the accuracy of data given to the community.

The Skills Assessment Program, directed by the Chief Economist of the First National Bank of Boston, to identify those occupations that will exhibit growth over the next several years. The data is to be used for curriculum updating and for off-campus learning experiences. The program also works with the Chamber's Personnel Managers Club to record the skill needs of the private sector and determine how business can contribute to or assist the school department in meeting the skill requirements through training programs, in-house teaching, and career guidance institutes.

The Partnership Program wherein a business firm forms a partnership with a specific high school. The businesses provide staff time, money, and equipment if they will be used directly with students. Each partnership works together to define its specific relationship and has a coordinator from the firm and a coordinator from the school. Most of the planning for these partnerships occurred during the 1975 summer. Some of the organizations participating in this program are Prudential Insurance, Boston Five Cents Saving Bank, Federal Reserve Bank of Boston, Boston Edison, Kennecott Copper, Honeywell, Liberty Mutual Insurance, National Shawmut Bank, New England Telephone, Massport Authority, John Hancock, IBM, First National Bank of Boston, Boston Gas, Travelers Insurance, State Street Bank, New England Merchants National Bank, New England Mutual Life, Gillette Safety Razor, and Blue Cross/Blue Shield.

The Administrative and Support Services Program intends to provide a resource pool of business executives to assist the school department in improving management skills.

A Funding Committee develops and writes proposals for funding Task Force programs. Two local foundations in Boston provided the startup funds for the Task Force and the United Fund provided $95,000 to some of its agencies for their participation in the desegregation plan.

The Tri-Lateral Task Force meets once a month to share experiences and problems; the steering committee and the project director meet more frequently. They have direct liaison with the school superintendent which is crucial for immediate trouble-shooting on personnel problems. The teachers union, included in the planning with the Task Force, has been generally supportive of this effort.

Preliminary sign-ups for the magnet schools that involve partnerships with business and higher education indicate that the incentives have in fact attracted students. Many parents have said that there is some status in attending the innovative schools.

Phase Two Implementation, Fall, 1975

As Fall approached, many in Boston were greatly concerned with the potential for trouble in South Boston, East Boston, Charlestown, and Hyde Park. These communities have strong, traditional ethnic identities. The Community Relations Service recommended that the school year begin with a heavy show of police.

The school superintendent did not have his contract

renewed by the Boston School Committee in the Spring of 1975. A new superintendent was picked from the ranks of central administration by the Boston School Committee and was in position for implementation of Phase Two.

School opened in September, 1975, with mothers demonstrating in Charlestown, sporadic incidents in South Boston, and 1,600 policemen, 200 metropolitan park police, 100 federal marshalls, 50 FBI agents, 550 state police, and 600 National Guardsmen ready for duty. Many reporters, photographers, and television technicians also took to the streets. All busing, except for the city-wide magnet schools, occurs within the boundaries of the eight new districts and the maximum busing distance is three miles.

In the first part of October, 1975, a strike by the teachers occurred. The teachers contract had expired at the end of August, but the teachers did not strike at that time so that the Phase Two desegregation plan could begin as scheduled. It was the belief of some in Boston that the School Committee purposely delayed the negotiations in the hope that the teachers would strike at the beginning of the school year and, thereby, thwart the implementation of the plan. The negotiation issues were resolved with court supervision and the teachers returned to work.

Because of the minimum compliance of the Boston school authorities, it was necessary for Judge Garrity to monitor the schools on a daily basis and to issue supporting court orders on a weekly basis. The Office of Implementation of the Boston Schools found it necessary to work eighteen hours a day, six or seven days a week to arrange transfers, transportation, security, renovation of facilities; to collect and report daily attendance; to train 75 new administrators and retrain 100; to move teacher materials; to answer requests and complaints; to train 900 transitional aides. The office was staffed with twenty professionals and some clerical help, and received little assistance from the regular school administration.

The City-Wide Coordinating Council, considered unwieldy by many, has been criticized because one-half of the members do not have children in the Boston Schools and/or live in the suburbs. It has been structured into six committees: (1) an Education Committee to monitor partnerships, special education, and bilingual education; (2) a School Liaison Committee to coordinate and monitor biracial volunteers that serve as fact-finders and interviewers for the other committees; (3) a District Liaison Committee to work with the nine Community Councils and the Biracial Councils in the schools, and to review educational policy; (4) a Public Safety and Transportation Committee to check out bus routes and review safety plans; (5) a Public Information Committee to monitor all city departments on their descriptions of daily events and to foster a better understanding of Phase Two within the community; and (6) a Community Liaison Committee to help with linkages among various community organizations. The Council submits monthly reports directly to the Judge.

In December, 1975, Judge Garrity found it necessary, based on a request from the NAACP, to strip the Boston School Committee of much of its control over school integration and to place South Boston High School in receivership. He noted that integration was not working at South Boston High and accused the School Committee of thwarting his court order. He agreed with the NAACP that black pupils were subjected to discrimination and abuse. He ordered the entire administrative staff and the football coach of South Boston High to be transferred to other schools, and named one of the district superintendents to be the receiver in charge of the school. He also broadened the power of the Boston school superintendent to oversee integration without interference from the School Committee and he barred the committee from making personnel appointments until newly elected committee members take office in January, 1976.

Despite continuing difficulties in South Boston, Phase Two implementation has proceeded quietly. Buses have not been stoned nor has there been any physical injury to students, school personnel or citizens. No police security guards are in any of the schools. The initial very visible police presence has tapered off, and police overtime which was heavy in Phase One is now almost nonexistent. The police commissioner ruefully reports that one major complaint this year is lack of overtime.

The business and labor communities moved ahead to implement the partnerships agreed upon including tutorial programs, guest lecturers, curriculum review, work experiences, career exposure, and job projections. Twenty companies have paired with sixteen high schools. Objectives included overcoming teacher resistance, expansion of job placement opportunities, and involvement of community groups.

The companies have made a five-year commitment to the partnerships. They also plan to work with junior high schools. The business community has strongly supported United Fund which has been under attack for supporting agencies active in the desegregation effort.

Higher education institutions, also committed to partnerships for five years, began to implement the programs planned during the summer and are coordinated by the Lincoln-Filene Center at Tufts University. Some of the activities included: English workshops, remedial mathematics activities, theater arts programs, diagnostic centers for students with special learning needs, and staff and curriculum development programs. Professors and teachers have not always agreed on goals or methods and the State Department of Education has assigned staff to assist in resolving these disagreements. Consensus on goals and methods is required before the State Department will provide funds for the programs.

In the more tense schools, daily security problems have sapped much of the time and energy needed for planning and there is need for more money for the partnership effort. There is also some concern by university faculty members that such activities will not fit the usual reward system of universities relative to promotion and tenure.

A Metropolitan Cultural Alliance has been formed to involve Boston's 110 cultural institutions with the schools. In Phase Two, twenty are participating, including the Museum of Fine Arts, Pocket Mime Theatre, Children's Museum and the Museum of Transportation.

The Freedom House Coalition has continued and expanded its efforts to include: preparation of legal rights and procedures for students and parents; a crisis intervention center; Saturday morning conferences on issues relating to education and desegregation for all interested citizens; information workshops for parents on educational issues; an educational counseling service for junior high and high school students; a radio show; and additional informational publications. The Rumor Control and Information Center continues. Most of the questions handled concerned the teacher's strike, parent meetings, special education, school assignment, legal matters, transfers, transportation, and offers to volunteer service. Freedom House has continued to

stress quality education and equal access to a fair distribution of school resources as well as desegregation.

The local media stressed balanced coverage of events, but the national media focused on the occasional disorders that occurred. The Office of Implementation reported to the media every afternoon on events of that day.

Summary

The Boston Phase Two plan is a comprehensive plan based on some of the best knowledge available on education and the organization of education. It stresses programmatic options for students and parents and greater opportunities for community participation in educational planning and governance. The plan is dedicated to both the spirit and intent of the law. It is constrained by the limited time for planning and retraining necessary, the continued resistance of the elected school authorities, and, of course, by the diversity of attitudes and beliefs in the city.

Some elements of the Master's Plan remain to be implemented in 1976-77. One major area of the city, a physically isolated peninsula called East Boston, will be included in the pupil reassignment parts of the plan in Fall, 1976. In Phase Three, East Boston High will become a magnet school with 25% of the slots reserved for East Boston students. Many of those knowledgeable about the city believe that East Boston will have many of the same problems as South Boston.

The 1974 Court of Appeals opinion which reaffirmed Judge Garrity's District Court decision concluded by quoting Mr. Justice Frankfurter concurring in *Cooper v. Aaron* (1958),

> "Deep emotions have been stirred. They will not be calmed by letting violence loose . . . submitting to it under whatever guise employed. Only the constructive use of time will achieve what an advanced civilization demands and the Constitution confirms."

Boston teaches that lesson again.

CHAPTER 7

HIGHLIGHTS OF THE DESEGREGATION PROCESS IN DENVER

by R. Jerrald Shive

Desegregation litigation in Denver has been protracted with school officials exercising all possible appeals and strategies. The Supreme Court decision in the case in 1973 was a landmark, the first Northern decision. The plan implemented in 1974, drawn up by a court-appointed expert, has important innovative features that still remain under scrutiny by the courts. A combination of strong directions from the district court judge and support from a network of community organizations has overcome the lack of unified leadership by school officials.

The City of Denver

Denver is the 26th largest metropolitan area in the nation with a population of 1.5 million. Suburbanites outnumber Denverites 3-2, and the three dozen incorporated suburbs are fighting annexation. People move into Denver at the rate of 1,200 per week, with California, Texas, New York, and the Midwest being the largest sources of migrants.

According to the 1970 census, the minority population of Denver was 16.8%. Mexican Americans accounted for 11.3% of the total and blacks, 4.1%. In 1975, Denver remains 80% white ("Anglo" is the local phrase to differentiate from the minority "Hispanos") and lacks a substantial lower class of any race or nationality. Many lower class whites moved to the suburbs years ago and those remaining are too old to have children in school. The population has one of the highest educational levels of any city in the U.S. and two-thirds of the industrial jobs are white collar.

The northeast part of Denver tends to be primarily black and the Hispano population is located predominantly in the northwest section of the city. The southern part of the city is Anglo, with the southeast portion being the most affluent.

The Denver School District is composed of 121 schools and enrolled 85,438 students in 1973, making it the thirty-second largest in the country. There are more than 250 courses offered in the junior high schools and about 800 courses in the high schools. The composition of school enrollment in October, 1973, was 57% Anglo, 24.1% Hispano, and 17.8% black. In addition, there were small percentages of Indians and Asian Americans, mostly Japanese. Following implementation of the desegregation plan in the fall of 1974, the enrollment figures were 78,593, an overall decrease of 7% but only a 3.5% decline in Anglo enrollment. The enrollment dropped by 1,700 at the beginning of the 1975-76 school year. Drops in previous years had been in the range of 3,000 per year.

Legal Summary

The legal history of desegregation in Denver is long and continues into 1976 with an appeal to the Supreme Court on the latest plan still pending. A summary of events is provided in the following table:

April 25, 1968	School board proposed a limited desegregation plan for one section of the city.
May, 1968	School board approved plan by 5-2 vote to go into effect, Fall, 1969.
May, 1969	Two anti-plan candidates elected.
June 9, 1969	School board rescinds the plan by 4-3 vote.
June, 1969	*Keyes* suit filed.
July, 1969	Judge Doyle finds part of system unconstitutionally segregated. Orders a desegregation plan implemented.
August 5, 1969	Circuit Court granted a stay.
August 29, 1969	Justice Brennan reinstated the findings of the District Court. School Board appealed to the Supreme Court.
June 21, 1973	Supreme Court remanded to District Court stating that finding of segregation in part of district required desegregation of entire district.
December 11, 1973	District Court finds total system segregated. Orders a system-wide plan.
January 23, 1974	All plans submitted were rejected.
September, 1974	Plan developed by court expert implemented.
August, 1975	Tenth Circuit Court of Appeals overturned portions of the plan.
September, 1975	School board appealed to Supreme Court. Stay of Circuit Court order granted pending decision.

Plan Development

When the District Court finally found the total Denver system segregated in December, 1973, the judge gave the plaintiffs and defendants one month to prepare a plan that would go into effect in fall, 1974. Both plans were rejected and the judge appointed Dr. John Finger, of Rhode Island College, as a consultant to develop a plan.

The plan developed by Dr. Finger called for four different procedures to be used in integrating the elementary schools. All the schools were rezoned through a computerized pupil census. Information on pupil residence, age, and race was stored in the computer which was then programmed to draw attendance zones that would ap-

proximate the racial composition of the city as a whole. The computer-drawn lines sometimes went through the middle of blocks, even the middle of some houses; therefore, the lines were moved to the nearest appropriate street and were established as elementary school boundaries.

The data fed into the computer on racial and ethnic makeup of neighborhoods were supplied by the school administration. There was no consultation with community leaders, community and neighborhood groups, or school boards members when making decisions concerning the placement of school zone lines. No information other than numbers was used.

The second procedure used in the integration of elementary schools was the short busing of minority students. Eleven elementary schools were integrated with short busing, and a total of 1,500 minority and 400 Anglo students were bused. Approximately 1,100 of the minority students were bused to elementary schools in south Denver. Since these children were "bearing a heavy burden" in bringing about integration, transportation at district expense was furnished to parents for PTA meetings and other school sponsored activities when the transportation was requested through the sponsoring organization.

Approximately 10,000 students attended elementary schools, which were essentially walk-in integrated schools. Because they lived more than one mile from the school, 630 students had short bus runs within those attendance zones.

The third procedure used in the integration of the elementary schools was the creation of satellite areas, which are noncontiguous areas from which students are bused in order to bring about desegregation in the receiving school. Students from these areas attended elementary schools in other attendance areas but would attend junior and senior high schools in their neighborhood district. Under this portion of the plan, seven schools received a total of 1,195 students from other attendance areas. Black and Chicano children living in predominantly Anglo satellite areas and Anglo children living in predominantly minority satellite areas could, at their option, remain in their currently assigned schools (i.e., nearest "neighborhood" school).

The fourth procedure used in integrating the elementary schools was a complex and confusing type of school pairing. Primarily black schools were paired with primarily white schools. Schools were divided into primary (K-3) and intermediate levels (4-6). Subjects were divided into basic (reading, arithmetic, science) and optional (music, art, physical education). Basic subjects were taught to all students in their home school. They were bused to a receiving school for optional subjects. Primary students had basic courses in the morning and optional subjects in the afternoon while intermediate students had optional courses in the morning and basics in the afternoon. Teachers remained in one school teaching one group of children in the morning and another in the afternoon. During the 1974-75 school year, some students attended only their home school choosing to skip the optional subjects in the paired school.

This pairing plan was approved by the court in order to achieve a number of diverse purposes including:

1. Breaking the isolation in segregated schools and exposing students to an integrated school during part of the school day.
2. Giving students an identifiable neighborhood school.
3. Parents of students retaining identification with nearby institutions.
4. Neighborhood school being available for extracurricular activities.
5. Maintaining the local school as a social institution.
6. Parents in home and paired schools being able to exert joint influence in seeing that schools are adequate.
7. Being able to institute special programs in home schools to aid desegregation.
8. Enabling compensatory or bilingual education to be instituted in home schools which could benefit all students.

Junior high schools were desegregated by rezoning and defining satellite zones. All zones for junior high schools were prepared using the computer drawn lines. The district could move computer drawn zone lines to existing attendance zone lines as long as there was no substantial change in the resulting number of students residing within the area. The district adjusted the satellites in minority neighborhoods, as far as possible, so as to continue busing minority students already being bused to Anglo schools. At the junior high school level, two miles was designated a reasonable walking distance.

Senior high schools were desegregated by rezoning and defining satellite zones. Of the approximately 18,000 students enrolled in high schools in 1973-74, 12,000 continued on in 1974-75: of these 12,000, between 2,500 and 3,000 were reassigned. Three satellites were in Anglo areas, four in minority neighborhoods. Transportation was provided for all high school students assigned to schools more than three miles from their homes. The total number of students bused in 1974-75 was 20,000, an increase of 8,000 over the previous year.

The plan also required that East High and Manual High be consolidated as an East-Manual Complex. Within the Complex, each school would have "non-duplicative course offerings" and its own administrative staffs. Manual and East students were enrolled in their school of assignment and registered through a system which provided each student choices from a selection of all courses in both schools. The registration at both East and Manual listed programs, special subjects, and one-of-a-kind subjects. Counseling was available to each student prior to and during fall registration. Both East and Manual had basic and advanced placement course offerings before the court order.

The plan also created a bilingual-bicultural program at five schools which had predominantly Hispanic enrollment. These students and schools were not included in the pupil reassignment part of the plan.

The Court ordered that the ratio of minority to Anglo teachers was required to be substantially the same in all schools. The shortage of Chicano teachers was acknowledged but full balance was to be achieved as soon as possible. Staff members were required to accept new assignments when necessary to achieve desired ratios. Staff members were to be hired, assigned, promoted, paid, demoted, dismissed, and otherwise treated without regard to race, color, or national origin. Vacancies were to be filled by the same race as those dismissed, unless each qualified staff member had failed to accept an offer to

fill the vacancy. Non-racial objective criteria for dismissals and demotions were to be developed which would be available for public inspection. The district was directed to hire minority staff, teachers, and administrators on a priority basis and to justify failure to make substantial progress. The district was required to develop a bilingual-bicultural program.

The Court appointed a 64-person monitoring commission called the Community Education Council (CEC), chaired by Maurice Mitchell, Chancellor of the University of Denver. The functions of the CEC were to coordinate implementation of the plan, educate the community as to the Court's findings and the provision of service and facilities, receive and consider comments and criticisms and report the results of remedial action to the court, and generally report and monitor progress in implementing the plan.

Judge Doyle required bi-monthly progress reports and frequently specified exactly what was to be included in reports to the court. For example, school officials were required to submit status reports by October 15, 1974, providing information concerning:

1. The number and percentage of students by grade, race, or ethnicity in each school and the district-wide totals.
2. The number of teachers by grade, race, or ethnicity in each school and the district-wide totals.
3. The number of students by race or ethnicity in each paired elementary classroom.
4. The number of probationary teachers.
5. The number of tenured teachers.
6. Full-time substitute teachers.
7. The number of aides.
8. The number of students suspended or expelled by school, by grade, by race or ethnicity for the prior semester.
9. The number of administrative and hardship transfers requested, the transferor and transferee schools, the reasons for transfer and the disposition of each request.
10. A description of actions taken to implement a bilingual-bicultural plan including numbers of Chicano, black, and Anglo children, teachers, aides, and community personnel, by school and grade who are participating in the program.

In the final order no new school or addition was to be planned, designed, located or built to conform to racial residential patterns. Any additions had to promote and provide for a desegregated student body in each school in the system. All plans for new schools or abandonment of existing facilities, including enrollment data by race, had to be submitted to the court for approval. During the 1974-1975 school year Judge Doyle granted permission for one new elementary school, but no permanent attendance area was set. The School Board's proposed attendance area encompassed 391 pupils only 17 of whom were classified as minority students. A replacement for another school was also approved, but the Board was denied permission to close one school.

Other provisions of the plan included the development of a detailed transportation plan to be filed with the court, the implementation of school personnel training programs, and provisions for integrated collateral services and extracurricular activities.

Costs to the community of lengthy court battles are difficult to estimate. The court decreed that the fees and expenses of Dr. Finger and the plaintiffs be paid by the defendants in the case. Newspapers have estimated legal costs to the district in the realm of $1,000,000.

The School District budget for 1975 contains the district's estimate of the cost of the first year's desegregation efforts. The budget category "Orders of the Court" totaled $4.6 million representing about 2% of the total budget, broken down as follows:

1975 Budget "Orders of the Court"

A. Educational Program Activities	$ 704,243
B. Federal Projects	$ 400,000
C. Facility Expense	$ 172,000
D. Program Support (Transportation)	$2,589,244
E. Materials & Salaries for In-service	$ 400,471
F. Security & Safety	$ 325,050

Implementation Year Reactions

A major source of controversy has been the work of the monitoring commission and its Chairman, Maurice Mitchell. The CEC organization for information collection assigned one monitor to one school. Monitors attend school functions, talk to aides and students, discuss the implementation of the desegregation plan with teachers, and observe the mixing of students in gyms and cafeterias. Key to the monitoring process is the cooperation of the principal in each of the individual schools, since he/she may restrict or facilitate gathering information and making observations. In addition to Monitoring, the other task forces of the CEC include Transportation, Public Education and Information, Bilingual-Bicultural, Affirmative Action, and the Executive.

Mitchell has said that the School Board had "taken to desegregation like castor oil". The Denver school superintendent has responded that the Community Education Council is "nitpicking the schools to death". School Board members have also criticized the CEC for involving itself in what they feel are curricular matters. Major points of disagreement have been:

1. The appointment of Community Education Commission members to assist in monitoring schools.
2. The slowness with which the bilingual-bicultural program was developed.
3. Thomas Jefferson Senior High delay in implementing court orders.

The zenith of the controversy came when a school board member made a motion to censure Mitchell for his comments on the situation at Thomas Jefferson High School. The motion to censure was set aside and a vote of confidence in Thomas Jefferson faculty and administration was passed instead.

The bilingual-bicultural program has been a source of some community conflict. The Hispano community has strongly supported the bilingual-bicultural program. Their leaders also urged support for anti-busing School Board candidates who agreed to keep Hispano children in majority

Spanish-speaking schools and not to dispurse them to other schools. There is fairly general agreement that the program aids in developing self-concept for Hispano children; opponents cite the failure of the program to increase reading achievement. The controversy continues with the Appeals Court decision disallowing the program and ordering the students to be part of the pupil reassignment sections of the plan.

In June of 1975, Judge Doyle approved a number of revisions in desegregation plans for the fall of 1975. These included permission for two schools to use voluntary enrollment to improve racial balances. The voluntary plan was ultimately not a success. Some pairing and clustering changes were also approved.

In August of 1975, the 10th Circuit Court of Appeals overturned portions of the plan approved by Judge Doyle. The bilingual-bicultural program was overruled as previously noted and the School Board was ordered to include all schools and children in pupil reassignment plans. Pairing on a half-day basis was rejected and the development of the East-Manual Complex was found to be outside the jurisdiction of the Court. The District may choose to continue the bilingual-bicultural program but it cannot completely isolate the Hispanic students who participate. The East-Manual Complex can also be continued but is not required. Pairing must be for full days and desegregation plans must be in effect in all schools. The Circuit Court did grant a stay and implementation awaits the results of another school district appeal to the Supreme Court.

Community opposition to busing for integration has been mobilized by the Citizens Association for Neighborhood Schools (CANS). CANS joined the School Board as a defendant in the desegregation suit and has actively organized school boycotts and community meetings against busing. The present and immediate past presidents of the organization are both in the real estate business. On February 22, 1974, CANS organized a school boycott which resulted in the absence of about 36,000 students. On September 27, 1974, Judge Doyle issued a restraining order against CANS' planned school boycotts to be held on October 4, 11, 18, and 25. The leaderless boycott on October 4 resulted in only an 8% attendance drop (6,500 students). In May of 1975, one board member was elected with CANS support but a second newly elected board member supported the desegregation plan.

CANS has also called for the resignation of Chairman Mitchell and five other members of the CEC on the grounds that they are not Denver residents. CANS continues to hold public meetings to organize and publicize anti-busing sentiment. While opposing busing, CANS has not encouraged violence or demonstrations other than boycotting. CANS has recently sought affiliation with other anti-busing groups throughout the nation.

Since the beginning of the Denver desegregation case in 1968, there has been little violence and the implementation of the plan has been successful when compared to many other cities. Although all of the variables responsible for the relative success of the Denver plan cannot be identified, the following are apparent.

Parents successfully participated in planning curriculum for some schools, monitoring activities through the CEC, and in learning about school programs and courses at PTA meetings.

Some organizations acted as intervening agencies and were quieting influences in the community. One agency PLUS (People Let's Unite for Schools) a collection of fifty civic, social, and neighborhood organizations, conducted picnics and outings to familiarize students with each other and educate the community on the desegregation plan. PLUS encouraged people to follow the law and not to use children as pawns in any plans to disobey court orders. A PLUS information service concerning desegregation was manned by phone volunteers and citizens were given information as well as the opportunity to vent their emotions. The school superintendent, however, has discounted PLUS as an effective force in the community.

The Greater Park Hill Community Organization has assisted in a turoring program and conducted information sessions for parents primarily in black neighborhoods.

Capitol Hill United Neighbors (CHUN-DECCA) successfully lobbied to keep inner city schools open and used to capacity. The League of Women Voters published factual information describing the history of the desegregation suit and school policies developed to meet court orders.

The Directors of the Chamber of Commerce urged support for the acceptance and good faith implementation of the federal court order. The Denver Post gave editorial support for the peaceful implementation of Judge Doyle's decision.

A number of ongoing educational programs involving students in the community, developing student career interests, and attempting to increase the holding power of the schools undoubtedly reduced tension among students. A Career Education Center where students may take courses for half days acted as a magnet for desegregation. The Creative Urban Living Experience (CULE) program at Manual increased cooperation among unions, the Chamber of Commerce, and the schools as students learned occupational skills in practical situations.

All fourth graders participate in visual and fine arts activities at the Cultural Art Center sometime during the year while all fifth graders go to an outdoor education area for one day. Diagnostic Teaching Centers serve lower income students in diagnosing learning difficulties and one school provides facilities for severely handicapped and retarded children including its own placement center. Denver Girls, Denver Boys and some other alternative education programs exist for students who have problems in regular schools. Metro Youth Education Centers at the junior high and senior high levels emphasize projects rather than assignments, and the traditional school environment has been modified by such things as the elimination of bells.

In summary the relative success of the Denver plan is probably attributable to the grass roots work of community and neighborhood organizations, ongoing school programs, and the absence of a large lower socio-economic class in the population. School administrators did not provide leadership in the formulation of desegregation plans and business and labor groups, while cooperating with the schools and the courts, were not major forces in directing the success of the desegregation plan.

CHAPTER 8

HIGHLIGHTS OF THE DESEGREGATION PROCESS IN DETROIT

by Joseph F. Rogus

Detroit desegregation efforts are almost totally identified with the landmark Supreme Court opinion on metropolitan remedies for desegregation. This case study focuses on other facets of the Detroit situation including the events leading up to litigation, the problems of developing a sensible plan in a majority black school system, and efforts to educate citizens about desegregation.

School Government in Detroit

The Detroit school system, coterminous with the City of Detroit, is governed by a central board of education. In an attempt to decentralize the school system the Michigan legislature in 1970 divided the system into eight geographic "regions". Each region is governed by a five member Regional Board of Education elected by citizens residing within its boundaries. The individual board member receiving the highest number of votes is designated chairman of the Regional Board.

The Central Board consists of 13 members. Five of its members are elected from the City of Detroit at large, and the remaining positions are occupied by the eight regional chairmen. The day-to-day administration of the school system is the responsibility of the general superintendent of schools.

Both the Central Board and central administration staff are bi-racial in character. Nine of the Central Board's thirteen members, including the Board president, are black. The bi-racial nature of the school system's administrative staff extends through the department level. The Central Board is perceived by the District Court most intimately involved with the litigation as a cooperative board willing to desegregate the Detroit school system.

Statistical and Demographic Data

As of September, 1974, 257,396 students were enrolled in the Detroit public schools. The following data compiled by the Detroit Board of Education reflects the racial – ethnic distribution of the student body:

Category	No. of Students	Percent Black	Percent White/ other Ethnic
Overall	257,396	71.5	28.5
K-12	247,113	71.4	28.6
K-6	141,806	72.3	27.7
7-8	39,600	73.0	27.0
9-12	65,707	68.6	31 4

Census data indicate that the population of the city of Detroit peaked in 1950, and since that year has declined at the rate of 169,500 per decade. In 1950, Detroit's population constituted 61% of the total population of the standard metropolitan area; in 1970 it comprised but 36% of that figure. The black population in the city increased markedly from 1.4% of the city's population in 1900 to 43.9% in 1970. A current study of Detroit population trends (1975) conducted by the Board of Education's demographic experts indicates that a majority of the city's population is now black. During the years from 1969 to 1974 black student enrollment in the Detroit city schools increased an average of 2% a year; white student enrollment correspondingly decreased by 2% per year. Individual schools within areas of the city undergoing racial demographic shifts had annual increases in black enrollment as high as 16.9%.

There are presently 326 schools in the Detroit public school system; 226 elementary schools, 56 junior high schools, 22 high schools, and 22 primary schools. The school system has traditionally operated on a feeder plan in which elementary students are assigned to specific junior and senior high schools. The geographic distribution of schools reflects the system's historic commitment to the neighborhood school concept.

A Summary of Litigation

The desegregation litigation in Detroit began in 1970. Since that time numerous steps have been taken by the plaintiff, defendant, and the courts leading to the present state of affairs. Chronologically the major events have been:

August, 1970	The NAACP suit, *Bradley v. Milliken*, filed. The plaintiff alleged that as result of actions and inactions on part of the state and the city boards of education, the Detroit public school system was racially segregated.
September - October, 1971	Judge Roth ruled that both the Detroit School Board and the State of Michigan have committed acts contributing to segregation in the Detroit city schools. He further ordered the State and the Detroit Board of Education to prepare plans for desegregating Detroit city schools.
December, 1971	Detroit Board submitted two "Detroit only" desegregation plans. It further stated its judgment that the only real solution to the problems would be a metropolitan plan. Judge Roth ruled the plans submitted to be inadequate.
April - June, 1972	The NAACP prepared a metropolitan plan to be presented to the court. Judge Roth ruled in favor of the metropolitan plan and ordered development of a detailed plan for later implementation.

December, 1972	A three judge panel of the Appeals Court unanimously upheld Judge Roth's decision that a metropolitan plan was in order.
July, 1974	The U.S. Supreme Court, by a 5-4 vote, struck down Judge Roth's cross-district plan and ordered a "Detroit only" desegregation plan.
February, 1975	The District Court ordered the Board and plaintiffs to submit a "Detroit only" desegregation plan on or before April 1.
August, 1975	The District Court ordered implementation of the Board submitted plan with modifications to be later stipulated by the court.

Pre-Litigation

Prior to the filing of *Bradley v. Milliken*, a series of events involving the Board of Education occurred which were to provide impetus for the NAACP suit.

In 1965, a liberal-labor-black coalition assumed control of the Board and hired Norman Drachler as superintendent, in part because he was an acknowledged integrationist. The coalition which was to control the Board until 1970 launched a campaign to hire and promote black teachers, and Detroit's board was to become one of the first in the nation to take textbook publishers to task for their failure to present a balanced treatment of blacks. The Board was unquestionably committed to integration.

In 1969, the philosophies of community control and black power were on the rise and the Michigan legislature passed a bill requiring decentralization of the Detroit school system. It was authored by Coleman Young, a state senator from Detroit who in 1974 became the city's first black mayor. The community control movement in Detroit, like the earlier one in New York City, was an offshoot of the integration movement. Leaders of the movement argued among other points that school officials were not serious about integration and that parents and others in the immediate community should be given complete control of local schools.

The Detroit Board of Education remained dedicated to the goal of integration and decided to use the power given it in the new decentralization law to draw boundaries for the new regional school districts in a manner that would further the cause of integration by creating regions that included both black and white schools.

The Board's view was unpopular. Critics wanted each region to represent a "community of interest", a term widely recognized as a euphemism for separate black and white regions. The Detroit school population was 61.5 percent black in 1969. At the same time the city's overall population was estimated to be just under 60 percent white. Community control advocates, who opposed the Board position, feared the creation of regions which would reflect the city's overall racial compositions. The schools in each region would be majority black but a majority of white voters would decide on membership of the newly created regional school boards. In spite of pressures, the 7-member board held to its position through the public hearings.

A decentralization plan acceptable to one of the community control advocates was adopted by a vote of 4-2 on April 7, 1970, and called for changing attendance boundaries of 11 of the city's 22 neighborhood high schools. In the plan, five of the city's high schools in which white students were still in the majority were to be substantially integrated through pairing with the nearest black high schools. This was the first two-way integration plan ever adopted by the Board.

The plan produced an immediate angry response in the city's white neighborhoods. A similar reaction was forthcoming from the state legislature, and by the end of the week both houses had passed bills designed to block the integration plan. In June, the legislature passed Public Act 48 which prohibited the School Board from implementing the April 7 plan and required that all Detroit students be assigned to the school nearest their respective homes. The bill signed by Governor Milliken on July 7, 1970, contained a slightly modified decentralization plan that removed the power to draw boundaries from the School Board and put it in the hands of a commission to be named by the governor.

Adoption of the new law did not satisfy enraged whites, however, and they proceeded with plans for a recall election. On August 4, they removed from office the Board president and the three other Board members who had voted for the integration plan. It was the only successful recall election in the school system's 128 year history.

With the recall of the Board's integration st majority, the NAACP, on August 18, 1970, filed its segregation suit naming state officials and the City School Board as defendants. The case was assigned to Judge Stephen Roth.

Stage I of Litigation

In the NAACP suit, *Bradley v. Milliken*, the plaintiff alleged that as result of actions and inactions on the part of all named defendants, the Detroit public school system was racially segregated. The complaint further challenged the constitutionality of Act 48 of the Michigan Public Acts of 1970 insofar as the act precluded implementation of the April 7, 1970 plan to desegregate the Detroit public schools. The plaintiff also requested an order requiring the Board to implement the April 7, 1970 desegregation plan.

Judge Roth denied plaintiff's motion for implementation of the high school integration plan, dismissed the governor and attorney-general as defendants, and gave no indication that he would bring the case to early trial. The NAACP appealed, and on October 13, 1970, the Sixth Circuit Court reversed the District Court's dismissal of the governor and attorney-general as parties. It further ruled unconstitutional the portion of Act 48 banning enactment of the April 7 plan. The NAACP then asked for preliminary relief in the form of the April 7 plan. Judge Roth, responding indirectly to the request, ordered the School Board to prepare a desegregation plan for consideration by the court. He proceeded to then allow the newly constituted Board of Education to implement a freedom of choice plan based on the magnet school concept as an interim plan to desegregate the schools. Furthermore, Judge Roth postponed the scheduled start of the trial on the merits of the case "to a date to be fixed by the Court after a review of its calendar." Again the NAACP went to the Court of Appeals, and the Sixth Circuit said pointedly that a trial on the merits must begin immediately. The trial began on April 6, 1971, and covered 41 days spread over a four month period.

Attorneys for the plaintiff, relying heavily on residential evidence, aimed to demonstrate that Detroit school officials duplicated and preserved in the schools the

patterns of segregation in housing. The District Court on September 27 found that the Detroit city school district was segregated on the basis of race; that the local Board and the State of Michigan fostered segregation in the Detroit public school system; and that the State was liable for certain de jure acts of the defendant Detroit Board of Education. The court then ordered the plaintiff and the Board to submit plans for desegregating the schools. The Board of Education submitted two plans that were limited in intent to the corporate limits of the City of Detroit. In its report to the court, however, the Board stated its judgment that the only solution to the problem of segregation in the Detroit city schools lay in a metropolitan plan. The NAACP filed a plan, known as the Foster Plan, which focused upon providing relief within the city's corporate limits.

After extensive deliberation upon the plans submitted, Judge Roth, in March, 1972, dismissed each and concluded as a matter of law that "under the evidence in this case, it is inescapable that relief of segregation in the public schools of the city of Detroit cannot be accomplished within the corporate geographical limits of the city." During March and April hearings were then held on metropolitan plans but suburban districts included in the plans were not allowed a hearing in court.

In June Judge Roth ruled in favor of a cluster plan submitted by the NAACP for desegregating the metropolitan area and he appointed a nine-member panel of educators and planners to develop and submit a more detailed plan for implementation. The panel was given 45 days to prepare such a plan. In December, a three judge panel of The Court of Appeals for the Sixth Circuit affirmed the District Court's ruling on the issue of segregation and its findings of fact and conclusions of law on the Detroit-only plan. The court further affirmed in principle the propriety of a metropolitan remedy.*

The case was then appealed to the Supreme Court which on July 25, 1974, reversed the District Court's approval of a metropolitan remedy, holding that a district court may not impose a multi-district remedy to correct a single school district's acts of de jure segregation without evidence of violations by the other districts included within the scope of the remedy. The Supreme Court did not disturb the District Court's determination that unconstitutional segregation existed in the Detroit schools.

Upon receipt of the Supreme Court's mandate, the District Court, Judge Robert DeMascio presiding, ordered the defendant Detroit Board and the plaintiffs to submit desegregation plans for Detroit only on or before April 1, 1975.

The NAACP submitted the Foster Plan and the Board its own revised plan. The plan submitted by the Board contained components perceived by the court to be vague or poorly documented in spots. Costs for some components, including transportation, were preceived as excessive. The court therefore appointed three court experts and commissioned them as officers of the court to obtain needed data.

Hearings on both plans then commenced on April 29, 1975.

Stage II of Litigation

Upon review of the plans submitted, Judge DeMascio issued the District Court's decision on August 25, 1975. The NAACP's plan for desegregating the school system was rejected. The Board of Education's plan was accepted in part.

The NAACP plan dealt solely with pupil assignment. The ultimate goal of the plan was that each school within the district would reflect the racial balance of the school district as a whole, given a margin of 15 percent difference in either direction from the stipulated balance percentage. The plan, which called for the transporting of over 77,000 students (about 33% of enrollment) was rejected on grounds that implementation would:

1. Disrupt the existing school system grade level divisions.
2. Create numerous problems relating to building capacity.
3. Necessitate the transportation of thousands of black school children many miles to schools that still remain 80% or more black.
4. Create a financial burden to the school system as approximately 840 buses would have to be purchased.
5. Have negligible desegregation effects.
6. Not preclude later resegregation.

The Board of Education's plan provided for transportation of approximately 51,000 students. Although regional lines would be crossed in a few instances, the plan generally respected regional boundary lines, which were brought about by the State's mandate to decentralize the school system. Relying heavily upon pairing elementary schools, magnet centers, and newly created vocational high schools, the Board plan also acknowledged that "there are too many black students in the school system to provide all with a desegregated experience while at the same time maintaining stability."

The court ruled that the Board's plan would meet constitutional requirements for desegregating the Detroit school system. Moreover it approved the Board's view that the plan must include educational components allowing for further desegregation and assuring a successful desegregative effort. However, it did not find the plan free from objection. The court observed that:

> The Board seeks to impose a ratio (50% - 50% plus or minus 10%) on all schools involved in the plan. Rigid adherence to racial percentages is not only undesirable but constitutionally infirm. Because of inflexible adherence to these percentages white and black children would be bused solely to accommodate a racial count. In essence, where a school already satisfies the definition of a desegregated school, it should not be included in a desegregation plan.
>
> Transportation is suggested within the plan where the same purposes might be better

** Judge Roth died on July 11, 1974.*

accomplished through the restructuring of attendance zones.

Grade structures of schools are needlessly changed; irregular grade structures hamper school curriculum offerings.

Choice of schools involved in the pairings may have been influenced by political considerations unrelated to the effects of the individual pairings on desegregation.

In closing, the court restated its agreement with the rationale of the Board's plan. It further stated, ". . ., it is apparent that a fresh start is required to dismantle the remaining vestiges of a dual school system. We are prepared now to furnish the Board with guidelines solely devoted to this purpose and to assure quality education for all children in the system."

Two General Principles

Before making specific the guidelines, the Court made general statements on two issues central to the case: 1) the meaning of racial balance; and 2) the place of transportation in desegregation plans to be reviewed. On the topic of racial balance, it stated that variance may exist in the social mix between regions and between schools within a region.

This guideline further recognized and accepted the impossibility of eliminating all racially identifiable black schools. On the matter of transportation, the court identified the transportation of children as an extraordinary remedy to be employed only when appreciable results may be accomplished thereby, and then only when other alternatives have been exhausted.

In this light, an acceptable plan would not require transporting black children from one predominantly black school to another. Nor would it require transporting black or white children from already desegregated areas. This guideline further acknowledged that the goal of desegregating requires the elimination of racially identifiable white schools, but does not attempt to eliminate racially identifiable white schools by imposing fixed ratios. The guideline further incorporates criteria for measuring a unitary system by factors other than ratios, such as faculty assignments, staff assignments, extra-curricular activities, equality of facilities, and student assignment patterns.

Revised Guidelines

Building on these principles, the court then prepared the following guidelines to govern the Board of Education's reconceptualization of its desegregation plan:

1. Where possible, desegregation should be accomplished by rezoning attendance areas in lieu of transporting children.
2. The revised transportation plan should avoid busing black children to predominantly black schools. (A school that is 55% or more black is a predominantly black school.)
3. Elementary schools should not be paired when one or both of the schools already satisfies the court's definition of a desegregated school.
4. The Board of Education shall seek to maintain uniform grade structures, consisting of K-5, 6-8 and 9-12.
5. If a school is in the range between 30% and 55% black in student enrollment, no change in pupil assignment is necessary. Further, pupils need not be reassigned merely because a school's racial composition exceeds 55% black; the "practicalities" may dictate leaving the school alone. However, in no event should a school remain more than 70% white.
6. Elementary schools that cannot be desegregated by rezoning or through satellite zones shall be paired. Where pairing is used, classes will be rotated annually or semi-annually so that each child will attend his neighborhood school at least every other year.
7. Middle schools will be of two types; "zoned" and "open enrollment". "Open" schools will have a controlled social mix generally 55% - 70% black. The racial composition may exceed these parameters where practicalities require, but in no event should a school exceed 50% white.
8. The revised plan will involve the creation of vocational centers. Two existing high schools will be converted to vocational centers; students enrolled in these schools will be reassigned to other nearby schools, thus aiding desegregation. Initially, no high school or vocational center shall enroll less than 40% minority.
9. The administration should immediately institute a remedial reading program to correct the deficiencies of those mid-way in their educational experience.
10. A comprehensive in-service program shall be provided for all personnel within the district. The in-service program shall focus, at minimum, upon: teacher expectations, human relations, minority culture, testing, the student code of conduct, and administration of discipline.
11. The Board shall undertake a study of evaluating an alternate form of education following the Parkway Concept.*
12. The Board and the State Board of Education are mandated to eliminate all vestiges of discrimination, including discriminating through improper testing.
13. The Board will formulate a uniform code of conduct which will be administered without regard to regional lines.
14. The Board will develop a detailed Community Relations Program including provisions for school-community liaison and parental involvement.

Parkway is a school-without-walls program in Philadelphia.

15. The Board will provide guidance and counseling services, including career counseling, to all junior and senior high school students in the system.

16. The Board will develop a specific plan for co-curricular activities including an analysis of the costs involved.

17. The Board will reapply for funds to continue its multi-ethnic/bi-lingual programs.

The court further directed the State Superintendent for Instruction to provide support to a community based monitoring committee which would oversee planning and implementation efforts, and serve as a synthesizer for the court in reporting outcomes of the implementation effort.

Implementation of the Court's Order

These guidelines, as incorporated within the orders of the court, have served as a focus for Board and the school administration's efforts since the beginning of the 1975 school year. In accord with directions, the School Board began submitting to the court a series of component plans for review and approval. Each of the court's August, 1975, directions has been met or is in process of being addressed. A uniform discipline code, for example, has been established. Members have been assigned to the monitoring commission. The school system's testing program is being reviewed, and professional staff in-service efforts have been addressed with intensity by school system and university personnel. To assure the reduction of racial isolation within the system, the court has ordered the transportation of 21,000 black and white youngsters effective with the start of the second semester of the 75-76 school year.

The effectiveness of community-based efforts to prepare the citizenry for the probable transportation of youngsters to schools outside of their residential neighborhoods will be tested – and community preparation efforts have been extensive.

Since the District Court's 1972 finding of segregation and School Board liability, several organized groups have endeavored to inform the community of the facts and issues of the case and to promote a spirit of obedience to the law irrespective of the form of future court orders.

The Coalition for Peaceful Integration, for example, was formed in 1972. Working on the assumption that there would be a metropolitan remedy, this "grass roots" organization attempted to influence and to organize communities toward accepting and implementing peaceably the court's order whatever it might be. Relying heavily upon newsletters and area meetings, Coalition representatives attempted to keep the community informed of what was happening in the courts; to develop plans to assure the safety of youngsters if a transportation order were to come; and to develop citizen interest and involvement in the quest for quality education. With the Supreme Court's decision to deny a metropolitan remedy, many suburban members of the Coalition dropped from the group, and the Coalition shifted its focus to the city. Funded through the Title VII of the Emergency School Assistance Act, the organization now works closely with neighborhood service agencies, e.g. police and neighborhood centers, and has formed citizen committees in several high school attendance areas to reduce racial tension and increase parent and student input on curricular matters.

In response to the fact that in several quarters the Coalition, in spite of its efforts to be neutral, was perceived as a pro-integrationist group, the Pro-Detroit Organization was established in 1975 as a non-advocacy group to promote peaceful implementation of the court's orders. A blue-ribbon panel of representatives from Detroit's businesses, civic, labor, and religious organizations, Pro-Detroit has focused its efforts toward assuring fair treatment by the media. Working discreetly, representatives of the group attempt to influence the media against granting overexposure to groups whose positions and activities are contrary to the fact and spirit of the law.

After the 1974 Supreme Court ruling disallowing consideration of a metropolitan remedy, the school administration sponsored a series of desegregation seminars in each region to obtain input from teachers, administrators, parents, and other interested citizens on possible "Detroit only" desegregation plans. An Office of Desegregation was established in November of 1974 to inform the community of what was happening in the courts and to obtain input relative to directions that might be taken in addressing segregation and desegregation related problems. Early in 1975, seminars were held with representatives of the media, clergy, business and industry, and labor organizations. Youth "teach-ins" were held. A Superintendent's Council on Desegregation was established to assist in developing and reviewing components plans to be submitted to the courts and responding to court requests. The council is composed of three representatives from each of the decentralized regions, representatives of 15 civic and community organizations, and several student representatives. Included in the Council is the Superintendent of the Detroit Archdiocesan Schools which have taken strong idealogical and operational positions toward assuring that Catholic schools do not serve as enclaves for citizens seeking at any point to evade the court's directives.

While efforts to prepare the community for a probable transportation order have been extensive, organized opposition has been limited. The Mothers Alert Detroit (MAD) organization, 2,000 citizens who live primarily in the city's northeast section, is the largest organized group opposed to any court decision to bus. The group has taken a strong position against any transportation plans which would do violence to the integrity of the neighborhood school concept.

It is important to note that the major groups and individuals prepared to respond to the court's directives – the School Board, the interim superintendent, the mayor, the Coalition for Peaceful Integration, and Pro-Detroit – have not at any point advocated busing; they have aggressively advocated peaceful obedience of the law as interpreted by the court.

The Future

The busing component of the Detroit court order was implemented peacefully in late January, 1976. Extensive efforts were made by responsible organizations to ready the community for this event. While leaders of these educational efforts have worked diligently, many of them believe their efforts did not begin early enough; that still many "men on the street" are not yet aware of what the case is all about. It is clear from those at the grass roots level that efforts to provide community information on the issues involved in local desegregation litigation and to develop support for a pro-law position can never begin early enough.

CHAPTER 9

HIGHLIGHTS OF THE DESEGREGATION PROCESS IN MINNEAPOLIS

by R. Jerrald Shive

The development and implementation of desegregation plans in Minneapolis were carried out with strong leadership exerted by school officials and the school board. They were supported by business, labor, religious, and civic organizations. The court order in 1972 was added impetus to a process already five years old.

The City of Minneapolis

Metropolitan Minneapolis has about one million residents with 380,000 living in the city itself. U.S. census data for 1970 lists six percent of the city population as minority of which 12,000-16,000 are Native Americans (primarily Chippewa) and 10,000-12,000 are black. The major ethnic group is Scandanavian.

The Minneapolis school district has about 55,000 students and 7,000 employees. Total school population has declined 20% since 1968 but the Native American population has grown by 80% since then. Total minority population of the schools is 22%, evenly divided between blacks and Native Americans. There are two pockets of black populations concentrated in the north and central parts of the city. Native Americans are concentrated in the same areas with an additional group in the southeastern area.

Early Steps

Efforts to desegregate the Minneapolis public schools began with the employment of Dr. John Davis as Superintendent of Schools in 1967. Dr. Davis and the School Board began immediately to develop long range plans to desegregate the city's schools. Human relations guidelines for the district were drafted and approved unanimously in 1968 and updated in 1970. The guidelines established a voluntary student transfer program, committed the district to pilot elementary pairing programs, and advocated the development of educational centers and learning labs for enrichment. New buildings and additions were to be planned and built to draw a multi-racial school population. Magnet schools were to be considered at the secondary level. Personnel practices and curriculum development were to foster quality education in a multi-racial environment. In-service training, with an emphasis on human relations training, was made mandatory.

In 1971, the School Board decided to initiate desegregation at the elementary level and follow that with plans for secondary schools. As a first step, two pilot elementary schools were selected for pairing; Field School, which was 86% black and Hale School, which was 92% white. The schools were geographically less than one mile apart in south Minneapolis and served middle class student populations with K-6 programs. Field School was designated as a 4-6 school and Hale as a K-3 school. Hale School parents initially opposed the plan but many neighborhood meetings were held by the board and school staff to explain the reasons for the pairing and to deal with parental concerns and fears. An emphasis was placed on improving the quality of education. In the fall of 1971, the parochial school in the area established a policy of not accepting students who sought to flee the two schools.

As the initial year progressed, most black and white parents became advocates of integrated schools. The superintendent reported that some teachers asked to be transferred out of the desegregated schools, and others requested transfer into the schools. The school administration facilitated such transfers.

The Outcome of Litigation

Since desegregation was already in progress, the class action suit brought by a number of families and students was welcomed by school officials and the School Board as an enforcement device for voluntary plans they had already initiated.

The District Court found, in 1972, that racial segregation had been encouraged by policy decisions related to size and location of schools, attendance zones, enrollments of various schools, transfer policies, and teacher assignments. At the time of the suit, there were 68 elementary schools, 15 junior high schools, and 11 high schools, with an overall minority enrollment of 4% Native American and 12% black. Racial segregation was found to be most pronounced in the elementary schools. Over 55% of the black elementary school children attended schools with black enrollments of over 30%, while 74% of the white elementary school children attended schools with black enrollments of less than 5%. At the junior high level, over 68% of the minority students attended schools with over 30% minority enrollments, while almost 63% of the white students attended schools with less than 5% minority enrollment. The staff was 7% minority.

Immediately after the court decision that segregation existed, the judge accepted the School Board plan and timetable approved just prior to the court hearing. This plan was an update of the earlier human relations guideline of 1968 and 1970. The judge mandated that no school should be more than 35% of one minority nor 42% of both major minorities. He specified that each elementary staff have at least one minority person and that a minimum of 6% of the secondary staff should be minority. Full implementation of system-wide desegregation was postponed until 1974 since school officials could show good faith progress over several years. The decision of the District Court was not appealed by either party.

Community Involvement During Implementation

Immediately after the ruling in May, 1972, school officials began to explain the plan to the community and held over one hundred public meetings where presentations

were made. The meetings were held in every section of Minneapolis and centrally with civic leaders and church groups. Parents were encouraged to comment on three desegregation proposals on data processing cards. The cards were collected and processed with reasonable suggestions from the public considered. School officials and School Board members worked to make these sessions informative rather than sessions to vent emotions. People were given many opportunities to discuss their concerns, but the school authorities made it clear they would not be persuaded by loudness.

The concerns of white and black groups in Minneapolis were similar. They cared about quality education with particular interest in the teaching of basic skills. Some Native Americans did not see desegregation as their problem and, instead, believed that quality could be achieved and basic skills better emphasized if they had more control over the schools in which large numbers of Native American children were enrolled.

In 1973, the school organization was decentralized and divided into four areas. Each of the four areas has approximately the same majority-minority student population ratio, its own budget, and its own superintendent. Each area contains about 18,000 students. The areas were designated as the North Area, East Area, West Area, and Southeast Alternative. Southeast Alternative consisted of four elementary schools and provided program choice in addition to the decentralized administrative design. With the aid of a five-year federal grant, students in the Southeast Alternative Program could choose from among programs offered in a traditional classroom, a continuous progress school, an open school, or a free school (credit for life experiences). Educational options were available as long as desegregation was maintained. The parents in the Southeast Alternative Area have indicated that when the federal grant expires in 1976, the Alternative Area should be merged with the West Area.

The decentralization plan was aimed at increasing parental involvement in school decision making. Parents and teachers who served on the initial community planning task forces were paid for their service. Parental involvement has been maintained. For example, task forces of parents and teachers in each area deal with issues such as nutrition, high potential students, and child development. Currently, the administration provides staff to the task forces who gather data, supply information, and evaluate all aspects of the schools. Many decisions made by the task forces are implemented by the schools. School Board members are each assigned seventeen schools to visit periodically without invitation or announcement.

Throughout the process, the school administration and the board placed an emphasis on the need for precise definitions for concepts such as desegregation and quality integrated education and understandable goals, objectives, and milestones for measurement. Consensus was sought and achieved on each of these and greatly decreased unnecessary misunderstandings. This emphasis on accountability began with federal funds and is now supported with school district funds.

Elements of the Plan

The first phase of the desegregation plan centered on elementary schools which were clustered into groups of three or four schools. The attendance areas grouped together are contiguous to reduce the necessity for long distance busing. In instances where three schools are clustered, two are designated as primary schools and one is an intermediate (4-6) school. If a fourth school is included in the cluster, it is designated as a modified open school — K-6. Parents and students choose the school they wish and the choices are honored as long as the mandated racial composition is maintained. To date, the racial balance has been maintained without reassignment.

School desegregation was closely linked with the board's plan for capital improvement with board members contending that better facilities would resolve the concerns of some parents. The effort has centered around closing old schools, building new schools that architectually reflected different learning styles, and renovating older facilities. Fifteen of the city's oldest elementary schools will be closed as the desegregation plan progresses. Five other elementary schools will have additions, and one elementary school will be replaced with a new building.

As part of the building plan approved in 1971, three elementary complexes are now being constructed. In each instance, six or seven elementary attendance areas have been combined into one complex. Each complex contains learning labs and learning centers, as well as facilities for art, home economics, industrial arts, and music instruction. Each complex accommodates about 1800 students in three separate desegregated educational environments. Parents may choose a traditional school environment of separate classrooms, a continuous progress school, or an open classroom school. Much time and effort has been taken to thoroughly explain the three different philosophies and styles of education to the parents. To date, students and teachers have almost evenly divided themselves into the three options. The socioeconomic and racial composition of the options are mixed. Each school within the complex has an enrollment of about 600 students with its own faculty, administration, and principal. The district also uses many teacher aides who are indigenous to the community around each school.

Throughout the district, the decentralized organization combined with the clustering of schools places heavy responsibility on the principal. The building level principal must know the community, facilitate cluster organizations for parents and students, and consider a larger community than the normal attendance area when making decisions.

A summer school was also implemented in cooperation with St. Paul for students with learning problems and those with latent talent. The program is racially mixed and has grown from 300 to 1,000 students between 1973 and 1975.

The plan continued the Voluntary Student Transfer Program which was begun in 1967. Transfers were granted in order to improve racial balance in the sending and receiving schools, permit students to take advantage of special programs, or for safety-health administration, or personal hardship reasons.

Many in-service training programs, involving parents, teachers, and students, began in 1973. Teachers attended human relations workshops. Interchanges of students and teachers between schools to be involved in the desegregation plans were conducted. Joint parents and teachers programs looked at such concerns as discipline, curriculum, organizational patterns, and transportation. The groups became problem-solving groups and invited outside speakers to present new perspectives. A half-day Tuesday Release Program continues which involves parents and faculty in 96 schools in human relations workshops, desegregation planning, language and cultural education, and the study of socioeconomic differences in the population. Teachers

contacted over 90% of the parents in the school before school opened in 1973 in order to provide desegregation information.

The second phase of the desegregation plan involves secondary schools where less progress has been made to date. Three junior highs were clustered in 1973 by a program funded by the Minneapolis Foundation. Seventh graders attend one school, eighth graders attend another, and ninth graders attend the third. Students are bused to their appropriate grade level school. All junior highs will eventually be desegregated in the same pattern. One junior high that was 87% black has been closed. Boundary lines have been shifted for both junior and senior high schools. Magnet schools with special programs for senior high students are being developed, and vocational education, career education, and alternative education programs are planned.

As students move through the already desegregated elementary and junior high schools, they bring six to nine years of integrated experience with them to the senior high environment. Edison High School, still with an all-white and largely ethnic student body, presents a problem to be faced in the immediate future.

In 1974-75, the year system-wide desegregation was required by the Court, the number of students who attended schools other than the ones that ordinarily would serve their neighborhoods was approximately 15,000. An additional 11,829 students were bused in 1974-75. Operating costs of the 1974-75 year for desegregation were as follows:

Twenty locally funded teachers ..	$ 260,000
Forty-eight locally funded civil service persons	132,300
Federally funded Emergency School Assistance Act Program	1,092,194
Busing for desegregation (80% state, 20% local)	1,386,884
Staff training	183,000
TOTAL	$3,054,378

By fall of 1975, 41 of the city's 82 elementary and secondary schools were involved to one degree or another in the desegregation process. Only two elementary schools remain in violation of the guidelines.

The new attendance boundaries and pupil reassignment procedures have resulted in no student walking more than two blocks. Average bus rides are fifteen minutes with the longest being twenty-five minutes. There have been very few complaints to the school authorities about the transportation program. In-service education programs are conducted for bus drivers and safety aides. Students who become ill during school are taken home by school personnel.

The Department of Intergroup Education coordinates and monitors the district's desegregation effort. It also gives direction to the development of an affirmative action program, facilitates human relations training efforts and organizes and implements in-service training of staff. Ethnic and cultural education is also directed by the Intergroup Education Office.

Community Support

Business leadership in Minneapolis has strongly supported school officials in their attempts to desegregate and improve educational quality. The president of Honeywell Corporation, a company active in supporting alternative education programs, was the president of the Urban Coalition, a group of corporate executives and black community leaders. Honeywell developed the Bryant Yes Center and General Mills Corporation developed the Lincoln Learning Center, facilities for junior high students with learning difficulties. School board membership during the period of desegregation also reflected the support of the business community and numerous businesses have cooperated with the schools in supplying materials, resource persons, and funds for specific programs. The business community has actively provided assistance in programs such as urban art, tutorials, introduction to the world of work, camping, debates, half-time work experiences, revision of curriculum guides, scholarships, peer teaching, summer work experiences, urban journalism, career exploration, adult education resources, and others. Industry has also contributed expertise to develop model education programs for later implementation as an on-going part of the school's offerings. Business and industry have also emphasized the recruitment of blacks and the Plymouth area of the city has been redeveloped with private funds from twenty-five companies.

Strong, influential leadership was also provided by the League of Women Voters, and two ad-hoc groups of concerned citizens – Citizens League for Public Education and the Committee for Integrated Education. All were visible and held many neighborhood meetings to discuss with people their concerns.

Labor and religious leaders were represented on the School Board that drafted the district's desegregation plan in 1972. The clergy also developed a slide tape presentation for use with parent and community groups.

The black community, including the NAACP, was supportive of the plans. The construction of new schools in black areas also reduced opposition. The Chicano community requested and received the construction of a cultural center.

The Scandanavian and Eastern European ethnic communities objected verbally to busing in the many meetings held to discuss issues but supported multi-cultural curriculum materials. The ethnic community is dominant in the Northeast Area of Minneapolis and generally secure in its status. No significant opposition to the plans developed as they were implemented. There are, however, significant desegregation steps yet to be taken in the largely ethnic schools in the Northeast Area.

Although there are nine colleges and universities in the twin cities area, there has been no participation in the desegregation plan by institutions of higher education.

The teacher's association waited until the last minute before supporting the plan. In 1975, the board approved a new affirmative action policy that leaves the seniority system intact but establishes hiring quotas for blacks and women based on their percentage in the student populations. Due to declining enrollments, teachers are naturally concerned about reduction in the teaching staff.

Opposition in the community has been minimal and those who have opposed the plan have frequently changed their minds once they became familiar with it. This was the case with the supporters of the Taxpayer's Party, an antibusing organization in Minneapolis that supported two candidates who were elected to the school board in 1974. The mayor ran for re-election on an antibusing platform and received some support from firemen and policemen, but was not re-elected. City Council avoided the issue.

Another factor in the success of the Minneapolis plan has been the firm insistance upon compliance by Judge Larson. Although school officials have been in the forefront in initiating plans and implementation schedules, the leadership and continued pressure of the court have reduced community opposition.

In summary, the major contributing factors to the success of the Minneapolis desegregation plan are as follows:

1. A superintendent and board with foresight to begin the development of a desegregation plan three years prior to the issuance of any court order.
2. Leadership by business, labor, clergy, and the media in assuming positions of school responsibility and in supporting various community renewal projects in minority neighborhoods.
3. Revisions in the administrative structure which decentralized the schools and improved communication with parents and neighborhood groups.
4. The development of quality integrated education programs focusing on alternatives for parents and students and the grouping of students together in 3-year-age spans.
5. Human relations, in-service, and affirmative action programs under the direction of an Intergroup Education Office with a full-time director.
6. The construction of new facilities by the district to eliminate old schools and to make available integrated education in innovative complexes.
7. The leadership of Judge Larson of the District Court in ordering the plan developed by the district and in continuously monitoring desegregation activities.

ADDITIONAL RESOURCES

I The Law

A. Boston Bar Association, *Desegregation: The Boston Orders and Their Origin*, August, 1975. Order from the Association, 16 Beacon Street, Boston, Massachusetts 02108. Free.

Excellent description of the Constitution and the federal courts. Reviews the history of Boston litigation and the plans for 1974 and 1975. Includes a bibliography of organizations, their services, and publications.

B. U.S. Commission on Civil Rights, *Twenty Years After Brown: Equality of Educational Opportunity*, 1975. Order from the Office of Information and Publications, U.S. Commission on Civil Rights, 1121 Vermont Avenue, N.W., Washington, D.C. 20425. Free.

Historical analysis of school desegregation litigation and federal civil rights legislation and its enforcement between 1954 and 1974. Contains findings and recommendations of the Commission.

C. Center for National Policy Review, *Justice Delayed and Denied: HEW and Northern School Desegregation*, September, 1974. Order from the Center, School of Law, Catholic University of America, Washington, D.C. 20017. Cost – $1.00.

Description of Titles IV and VI of the Civil Rights Act of 1964 and the regulations and procedures that govern administrative review. Critical of HEW actions since 1970.

II Metropolitan Programs – Cooperative City/Suburb

A. METCO – Metropolitan Council for Educational Opportunity. This program enrolls 3,000 Boston students in 37 suburban schools. For further information contact:

Mr. Marcus Mitchell
Director of Public Relations
METCO
55 Dimock Street
Roxbury, Massachusetts 02119

B. Project Concern

Two projects operate in Connecticut. Information is available from:

William F. Paradis
Director, Project Concern
128 Westland Street
Hartford, Connecticut 06120

Richard McCaulley
Coordinator, Project Concern
197 Dixwell Avenue
New Haven, Connecticut 06511

C. Metropolitan Rochester Public Schools

Dr. Norman Gross
Urban/Suburban Interdistrict Transfer Program
154 Pine Grove Avenue
Rochester, New York 14617

III White Flight

A. James S. Coleman, *Recent Trends in School Integration*, paper presented at the annual meeting of the American Educational Research Association, April 2, 1975.

B. Symposium on School Desegregation and White Flight, August, 1975. Sponsored by the Center for National Policy Review, Catholic University Law School, Washington, D.C. 20064, and Center for Civil Rights, University of Notre Dame, Notre Dame, Indiana, 46556. Contributors were:

Reynolds Farley, *School Integration and White Flight*

Michael Giles, Everett Cataldo, and Douglas Galin, *Desegregation and the Private School Alternative*

Luther Munford, *Schools That Quit Tipping in Mississippi*

Gary Orfield, *White Flight Research: Its Importance, Perplexities and Possible Policy Alternatives*

William L. Taylor, John L. Benjes and Eric E. Wright, *School Desegregation and White Flight: The Role of the Courts*

C. Christine H. Rossell, "School Desegregation and White Flight," *Political Science Quarterly*, vol. 92, winter, 1975. A short version appears in *Integrateducation*, December, 1975.

IV Student Outcomes

A. Nancy St. John, *School Desegregation: Outcomes for Children* (New York: Wiley, 1975)

Highly readable review of 120 studies of student outcomes in desegregated settings. One

important part of the review identifies characteristics of children who seem most vulnerable to stress in desegregated schools.

B. Eugene Eubanks and Daniel U. Levine, "Big City Desegregation Since Detroit", *Phi Delta Kappan*, April, 1975, pp. 521-550.

Summary of desegregation and compensatory education programs in big cities.

C. William G. Spady, "The Impact of School Resources on Students" in *Review of Research in Education*, Volume I, Fred N. Kerlinger, editor (Ithasca, Illinois: Peacock, Inc. 1973).

Only for those who understand statistical techniques particularly regression analysis. Excellent, comprehensive review of a large body of material.

V Techniques of Desegregation

A. Gordon Foster, "Desegregating Urban Schools: A Review of Techniques", *Harvard Educational Review*, volume 43, no. 1, February, 1973, pp. 5-36.

A comprehensive review of techniques by the author of many desegregation plans. Discusses the advantages and disadvantages of metropolitan remedies.

B. Report of the Masters in *Morgan v. Kerrigan*, U.S.D.C., March 31, 1975, Civil Action No. 72-911-G.

The Masters' Plan for Boston contains many of the techniques now in use to desegregate schools.

All materials listed in sections IV and V can be found in any university library, or can be ordered on inter-library loan through your local public library.

VI Community Education and Planning

A. U.S. Commission on Civil Rights, Office of Information and Publications, 1121 Vermont Avenue, N.W., Washington, D.C. 20425. Free.

1. *Five Communities: Their Search for Equal Education*, December, 1972.
2. *The Diminishing Barrier: A Report on School Desegregation in Nine Communities*, December, 1972
3. *School Desegregation in Ten Communities*, June, 1973
4. *Desegregating the Boston Public Schools: A Crisis in Civic Responsibility*, August, 1975

B. Gary Orfield, *"How To Make Desegregation Work: The Adaptation of Schools to Their Newly-Integrated Student Bodies," in the Courts, Social Science, and School Desegregation:* Part II, *Law and Contemporary Problems*, Spring, 1975. Duke University School of Law, Durham, North Carolina 27706. The article is also available from the author, The Brookings Institution, Washington, D.C.

Focuses on the problems of desegregation that continue after the court order and the plan — teacher and principal training, discipline, disruption of bilingual programs. Identifies those areas to which attention should be given in developing a plan.

VII Individuals and Organizations in four cities who are knowledgeable about various desegregation problems.

A. Boston

Dr. Gregory Anrig
Commissioner of Education
178 Tremont Street, 10th Floor
Boston, Massachusetts 02111

Dr. Robert A. Dentler
Dean, School of Education
Room 1092
765 Commonwealth Avenue
Boston University
Boston, Massachusetts 02108

Mr. Robert E. Donahue
Director of Implementation
Boston Public Schools
Office of Implementation
26 Court Street, 4th Floor
Boston, Massachusetts 02108

Father Michael Groden
Executive Director
City-Wide Coordinating Council
31 Milk Street
Boston, Massachusetts 02108

Ms. Ellen Jackson
Freedom House
14 Crawford Street
Roxbury, Massachusetts 02119

Mr. Robert H. Lamphere
Chairman of Tri-Lateral Task Force
Vice President
John Hancock
200 Berkeley Street, 5th Floor
Boston, Massachusetts 02117

Mr. Kenneth Rossano
Senior Vice President
First National Bank
100 Federal Street
Boston, Massachusetts 02110

B. Denver

Mr. Omar Blair
Member, Board of Education
Denver Public Schools
Finance Center Building
3800 York Street
Denver, Colorado 80205

Ms. Ann Fenton
CHUN-DECCA
646 Monroe
Denver, Colorado 80206

Reverend Richard Kerr
Chairperson
People Let's Unite for Schools (PLUS)
Redeemer Church
2552 Williams Street
Denver, Colorado 80205

Dr. Louis Kishkunas
Superintendent
Denver Public Schools
900 Grant Street
Denver, Colorado 80203

Reverend W. Spencer Wren
Council of Churches
1213 Clarkson
Denver, Colorado 80218

C. Detroit

Dr. Arthur Jefferson, Superintendent
Dr. Aubrey McCutcheon, Associate Superintendent
Mr. C. L. Golightly, Board President
Dr. Bernadine Denning, Director, Title IV
Ms. Beverly Schneider, Special Consultant
Detroit Public Schools
5057 Woodward Avenue
Detroit, Michigan 48202

Mr. William Grant
Education Reporter
Detroit Free Press
321 West LaFayette
Detroit, Michigan 48226

Mr. Marcellus Ivory, Chairman
Ms. Kathleen Straus, Executive Director
Mr. William O'Brien, Director
PRO – Detroit
2216 Commonwealth Building
719 Griswold
Detroit, Michigan 48226

Ms. Marcia Pitcole, Director
Coalition for Peaceful Integration
19457 Livernois
Detroit, Michigan 48221

D. Minneapolis

Dr. Harry Davis
Assistant V.P. for Public Affairs
Minneapolis Star and Tribune Company
5th and Portland
Minneapolis, Minnesota 55413

Dr. John Davis (formerly School Supt., Minneapolis)
President
MacAlaster College
St. Paul, Minnesota 55105

Dr. Robert Williams
Intergroup Education Director
807 N.E. Broadway
Minneapolis, Minnesota 55413